

Proof of Evidence : Character and Appearance

Outline Application for up to 196 dwellings with all matters reserved other than the means of access

Land at Sowbrook Lane, Stanton by Dale

Appeal Reference: APP/JN1025/W/23/3319160

Planning Application Reference: ERE/0722/0038

On behalf of:
Wulff Asset Management Limited

Prepared by:
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Contents

1	EXECUTIVE SUMMARY	1
2	INTRODUCTION	3
	WITNESS AND QUALIFICATIONS	3
	PROFESSIONAL PRACTICE	3
	STATEMENT OF TRUTH	3
	SCOPE OF EVIDENCE	4
	MAIN ISSUES	4
	REASONS FOR REFUSAL	4
	COUNCIL'S STATEMENT OF CASE	6
	COMMON GROUND	8
	MAIN ISSUES RAISED BY THIRD PARTIES	8
	JUNE 2023 - BASELINE CONDITIONS UPDATE	9
	STRUCTURE OF EVIDENCE	10
	FIGURES AND APPENDICES	12
3	THE PROPOSED DEVELOPMENT	13
	SUPPORTING TECHNICAL ASSESSMENTS	14
	HEDGEROW REMOVAL TO FACILITATE ACCESS	14
4	POLICY CONTEXT	16
	NATIONAL PLANNING POLICY FRAMEWORK	16
	PLANNING PRACTICE GUIDANCE (PPG)	17
	EREWASH DEVELOPMENT PLAN	17
	ADOPTED CORE STRATEGY	18
	CONSENTED DEVELOPMENT	20
	SAVED POLICIES	21
	SUPPLEMENTARY PLANNING DOCUMENTS AND GUIDANCE	22
	LANDSCAPE SPD, APRIL 2006	22
	STANTON REGENERATION SITE SPD, JANUARY 2017	23
	EVIDENCE BASE	24
	EMERGING CORE STRATEGY	24
	EREWASH BOROUGH COUNCIL CORE STRATEGY REVIEW – SUBMISSION VERSION, NOVEMBER 2022	24
5	SITE CONTEXT	26

	PUBLISHED LANDSCAPE CHARACTER ASSESSMENT	26
	COALFIELD VILLAGE FARMLANDS LANDSCAPE TYPE	26
	SITE-SPECIFIC ASSESSMENT	28
	NEW STANTON PARK DEVELOPMENT	29
	SITE CONTEXT AND FEATURES	30
	STANTON REGENERATION SITE	32
6	VISUAL CONTEXT	34
	EXTENT OF VIEWS	34
	VISUAL CONTEXT	35
	VIEWS FROM THE EAST, SOUTH AND WEST	35
	VIEWS FROM THE NORTH	36
	VISUAL RECEPTORS	37
7	LANDSCAPE AND VISUAL EFFECTS	38
	LANDSCAPE EFFECTS	38
	LANDSCAPE VALUE	38
	LANDSCAPE SUSCEPTIBILITY	39
	LANDSCAPE SENSITIVITY	39
	EFFECTS OF THE PROPOSALS	40
	VISUAL EFFECTS	41
	VISUAL RECEPTORS	41
8	NUTBROOK STRATEGIC GREEN CORRIDOR	47
9	SUMMARY AND CONCLUSIONS	50
	REASONS FOR REFUSAL	50
	EFFECTS ON THE CHARACTER AND APPEARANCE OF THE AREA	50
	LANDSCAPE CONTEXT	50
	LANDSCAPE EFFECTS	51
	EFFECTS ON VISUAL AMENITY	52
	USERS OF ILKESTON ROAD	52
	USERS OF SOWBROOK LANE	53
	USERS OF THE NUTBROOK CANAL TOWPATH AND NUTBROOK TRAIL	53
	USERS OF THE PERMISSIVE PATHS WITHIN AND ADJACENT TO THE SITE	53
	ANGLERS FISHING AT ROUGH'S HOLE AND ALONG THE NUTBROOK CANAL	53
	RESIDENTS OF PROPERTIES ON SOWBROOK LANE	54

COMPLIANCE WITH POLICY	54
<i>NUTBROOK STRATEGIC GREEN INFRASTRUCTURE CORRIDOR</i>	55

List of Figures

Figure 3-1: Illustrative Masterplan	13
Figure 4-1: Adopted Core Strategy Proposals Map - Policy 20 Stanton Regeneration Site	20
Figure 4-2: Stanton Regeneration Site: New Stanton Park - Illustrative Masterplan	21
Figure 4-3: Stanton Regeneration Site SPD - Green Infrastructure Map, extract	23
Figure 4-4: Erewash Core Strategy Review, Submission Version Nov2022 - Proposals Map, extract	25
Figure 5-1: Coalfield Village Farmlands LCT - local extract	27
Figure 5-2: Extract of Figure 2 - Site Context.....	29
Figure 5-3: Application ERE/0423/0018 – Plot 1, Unit 1 New Stanton Park - Site Location Plan	30
Figure 5-4: Sowbrook Cottages.....	31
Figure 5-5: Kirk Hallam Recreation Ground	32
Figure 8-1: Extract from the Derbyshire Mapping Portal - Local Cycle Networks.....	48
Figure 8-2: Extract of Figure 8	49

Volume 2: Appendices and Figures

Appendices

Appendix 1: Landscape and Visual Impact Assessment Methodology
Appendix 2: Appeal Proposals and Technical Assessments
Appendix 3: Appeal Scheme – Illustrative Masterplan
Appendix 4: Stanton Regeneration Site: New Stanton Park – Illustrative Masterplan
Appendix 5: Stanton Regeneration Site: New Stanton Park – Parameters Plan
Appendix 6: Stanton Regeneration Site: New Stanton Park – Environmental Statement Extracts – Appendices 12.1 and 12.2

Figures

Figure 1: Site Location Plan
Figure 2: Site Context
Figure 3: Topography
Figure 4: Zone of Theoretical Visibility
Figure 5: Visual Context – Local
Figure 6: Visual Context – Wider Views
Figure 7: Representative Photoviews – Winter (December 2022) and Summer (2023)
Figure 8: Site Context – Consented Development, Allocated Land and Appeal Site

1 EXECUTIVE SUMMARY

- 1.1 This proof of evidence considers the effects of the appeal proposals upon character and appearance and visual amenity, which has been identified as a main issue by the Planning Inspector following the refusal of the application by Erewash Borough Council (reason for refusal 5).
- 1.2 The appeal site is not subject to any designation in the Local Plan, nor is it situated within a landscape that is subject to either a statutory or local landscape designation.
- 1.3 The site is not considered to be a valued landscape under the provision of paragraph 174(a) of the NPPF, and does not contain any rare or unusual features.
- 1.4 The impacts of the proposed development upon the landscape will be localised in scale.
- 1.5 The above are all matters agreed as common ground between the Appellant and the Council.
- 1.6 The appeal site is situated on the urban edge, in a landscape that is heavily influenced by residential, industrial and commercial development within the urban area of Ilkeston. This includes the Stanton Regeneration Site allocation east of the site adjacent to Ilkeston Road, where work has commenced on the construction of a 24m high warehouse distribution building and associated parking and infrastructure at New Stanton Park. Once completed, the warehouse development will reinforce the long-standing industrial and commercial context of Stanton and the urban edge of Ilkeston.
- 1.7 To the south of the site, the SATEBA Stanton Precast concrete works, electricity substation and the properties at Twelve Houses extend beyond Sowbrook Lane.
- 1.8 Within the local urban fringe landscape, development on the edges of Ilkeston extends along the Nutbrook Trail to the north of the Nutbrook valley and the Nutbrook Canal to the south. Development at Little Hallam and Hallam Fields forms a developed backdrop to the valley and in views within the local area.
- 1.9 The site is not of any particular value above that of an ordinary landscape on the edge of the settlement and which is heavily influenced by urban features and land uses. The site and local landscape and has a **low landscape sensitivity** to the proposed development.
- 1.10 Core Strategy Policy 10 requires new development outside of settlements to be assessed with reference to the Derbyshire Landscape Character Assessment and states that development should protect, conserve and, where appropriate enhance landscape character in line with the relevant landscape character assessment.
- 1.11 The landscape character assessment recognises the influence of the development within the urban fringe and the settled character of the Coalfield Village Farmlands Landscape Character Type (LCT).

- 1.12 The appeal proposals offer opportunities to deliver the planting and management guidelines for the Coalfield Village Farmlands LCT as identified by the landscape character assessment and required by Policy 10. This includes the retention and enhancement of hedgerows, new tree planting and the creation of new areas of multifunctional green and blue infrastructure linking with existing woodland and scrub on the site boundaries.
- 1.13 Development of the appeal site reflects the existing pattern and form of development that extends alongside the canal and watercourse, with both residential and employment development adjoining the canal and providing amenity, biodiversity, landscape and recreational benefits that tie-in with the wider landscape and Nut Brook corridor that penetrates the built edge.
- 1.14 The appeal proposals will result in **limited and localised effects** on the character and appearance of the area.
- 1.15 The appeal site and proposed development will be well contained within the landscape, with views limited to those obtained from adjacent roads, public footpaths along the canal towpath and permissive paths that run along the northern and north-western site boundaries.
- 1.16 Outward views from the Nutbrook Trail are filtered by trees and hedgerows, with there being glimpsed views across the floodplain from the trail towards the northern edge of the site beyond trees and hedgerows alongside the canal.
- 1.17 For users of the recreational leisure routes along the towpath and Nutbrook Trail, the appeal site is experienced as part of sequential views on the edge of Ilkeston where residential development on the edges of the floodplain forms a backdrop, set beyond areas of open space and recreation facilities including play areas and sports pitches.
- 1.18 When the consented and under-construction employment development on the Stanton Regeneration Works is completed, the site will be set against a backdrop of warehouse style buildings on the skyline, set beyond the trees along Ilkeston Road.
- 1.19 The extent of visual effects and number of people who may have views and their visual amenity effects by the proposed development are localised.
- 1.20 The proposals will result in **minor adverse visual effects** for users of Ilkeston Road, the Nutbrook Canal towpath and Nutbrook Trail and **minor to moderate adverse effects** for user and resident on Sowbrook Lane, Rough's Hole angling pond and the permissive paths within and adjacent to the site.

2 INTRODUCTION

WITNESS AND QUALIFICATIONS

- 2.1 My name is Robert Hughes, I am a Director at Incola Landscape Planning and specialise in landscape and visual planning issues associated with development and change. I hold a BSc (Hons) degree in Rural Resources Management from the University of Wales Aberystwyth and a Post Graduate diploma in Landscape Architecture from the University of Central England. I am a Chartered Member of the Landscape Institute (LI).

PROFESSIONAL PRACTICE

- 2.2 I have over 20 years of professional experience, having started my career in 2003 as a landscape consultant at CPM Environmental Planning and Design Ltd, progressing to the position of Senior Landscape Consultant by 2007. Between 2007 – 2008 I worked as a Senior Landscape Architect for The Landscape Agency, before working as a sole practitioner up until 2011 when I joined Tyler Grange LLP as an Associate. I became a Landscape Partner at Tyler Grange in August 2014 and Technical Director of Tyler Grange Group Limited in September 2019. In February 2021 I set-up and became a Director of Incola Landscape Planning.
- 2.3 I have been appointed by land promoters, developers, local objection groups and public authorities to provide professional landscape and visual planning advice on a wide variety of projects throughout the United Kingdom. These have included residential and mixed use development, ranging from individual dwellings to housing allocations, strategic urban extensions and Garden Villages. I have also worked on projects for commercial, employment and leisure development and undertaken townscape and tall building assessments, LVIA assessments within Registered Parks and Gardens, as well as windfarm and photovoltaic proposals.
- 2.4 The majority of my career has been involved in the assessment of landscape and visual effects of residential development on greenfield land and associated landscape design inputs. Over the past ten years I have given evidence at Planning Inquiries, Appeal Hearings and Examinations in Public.

STATEMENT OF TRUTH

- 2.5 The evidence I have prepared within this proof of evidence represents my professional opinion in response to the refusal of the planning application and having regard to my own assessment of the landscape and visual context within which the appeal site is situated and the effects of the appeal proposal on the character and appearance of the area. I believe the facts stated in this evidence are true and accurate.

SCOPE OF EVIDENCE

- 2.6 I have been instructed on behalf of Wulff Asset Management Limited (the Appellant) to provide evidence in respect of a planning appeal, following the refusal of application reference ERE/0722/038 for up to 196 dwellings with all matters reserved other than the means of access on land at Sowbrook Lane, Stanton by Dale by Erewash Borough Council (the Council).

MAIN ISSUES

- 2.7 My evidence addresses matters relating to the effect of the proposal upon the character and appearance of the area and associated landscape and visual matters. These have been identified as a main issue by the Planning Inspector following a Case Management Conference held on 20th June 2023, as agreed by the Appellant and the Council.
- 2.8 Within the Case Management Conference note, the Inspector identifies these matters as falling under Main Issue 2, which is stated as:

The effect of the outline proposal on the character, appearance and visual amenity of the local area, with particular regard to landscape.

REASONS FOR REFUSAL

- 2.9 Main Issue 2 relates to Reason for Refusal 5, which I consider below along with the assessment that was made in the Officer's Report to committee and as attached to the decision notice.

Reason for Refusal 5

- 2.10 RfR 5 relates to the landscape character and visual amenity, stating that:

"The proposed development would lead to the loss of the open landscape which is characteristic of the area. Development of the site would cause significant harm to the visual amenities of the area. The proposal therefore fails to accord with Section 12 of the National Planning Policy Framework and it would be contrary to Saved Policy H12 – Quality & Design and Core Strategy Policy 10: Design and Enhancing Local Identity".

Officer Report – Visual Impact

- 2.11 RfR5 echoes the assessment in the Officer Report in relation to the visual impact of the appeal proposals. The Officer's assessment considers that the proposals would have a visual impact on what is currently a large, open and undeveloped field, concluding that whilst layout, scale, appearance and landscaping are reserved matters:

"... it is clear that the impact of the erection of 196 houses across this open field would have a significant impact on the character and appearance of what is currently a rural landscape. The proposal would have a detrimental urbanising impact."

- 2.12 With reference to Saved Policy H12, and associated criteria, the Officer Report summarises that the proposed development is considered to be out of character with its surroundings and would lead to the loss of the open landscape which is characteristic of the area.
- 2.13 I consider matters relating to the character and appearance of the area and the landscape and visual effects of the appeal proposals within my evidence.
- 2.14 The officer report also mentions the boundary hedgerows, stating that:

"The boundary hedgerows provide a strong contribution to local character. The loss of much of that characteristic boundary treatment would amplify the impact of the built development in its surroundings."

- 2.15 The proposals have sought to limit the amount of hedgerow requiring removal to facilitate the site accesses and include for the retention and enhancement of hedgerows that bound the site on Ilkeston Road and Sowbrook Lane.
- 2.16 I consider hedgerows in relation to landscape character within my evidence, as well as identifying opportunities for the proposed development to retain and enhance these, as well as providing offsets and landscape buffers to the development alongside Ilkeston Road and Sowbrook Lane.

Emerging Core Strategy – Reasons for Refusal 9 and 10

- 2.17 RfR 9 and 10 allege the appeal proposals are contrary to the emerging Core Strategy [**Core Document B3**] and proposals for the land to be included in the Green Belt and as part of the proposed Nutbrook Strategic Green Infrastructure Corridor.
- 2.18 Matters relating to Green Belt are dealt with in evidence prepared by Mr Hawley, including the weight to be attached to emerging local policy.
- 2.19 As Mr Hawley explains in his Proof of Evidence, the 2005 Erewash Borough Local Plan Replacement (ELP) Inspector's report [**Core Document B12**] recommended that the land between Kirk Hallam and Ilkeston, including the appeal site, be safeguarded to meet development needs, stating that:

"There is no explanation of why the area of 'protected open land' (in the adopted Local Plan) between Kirk Hallam and Ilkeston has been added to the Green Belt: it should rather be safeguarded to meet development needs between 2011 and 2021 in accordance with Government guidance in PPG2(2.12) to ensure the avoidance of incremental changes to the Green Belt boundary".

- 2.20 Prior to the adoption of the ELP, land between Kirk Hallam and Ilkeston, west of Quarry Hill Road and including the Nutbrook Trail (old railway line), canal, the appeal site and land to the west at Sowbrook Lake and the recreation ground, was allocated as 'protected open land' and Green Wedge in the 1994 Local Plan.

- 2.21 The Green Wedge was designated in the 1994 Local Plan to preserve the Nutbrook valley for recreation and conservation purposes. This was due to the presence of wildlife sites and recreation along the canal and old railway line.
- 2.22 The development of 350 houses on land west of Quarry Hill Road was permitted in 2015 (application ref. 0614/0030) and is situated within the extent of land safeguarded in the ELP. The land was previously in the Green Wedge in the 1994 Local Plan.
- 2.23 The distribution warehouse scheme that is currently under construction at the Stanton Regeneration Site to the east of the site (application no. ERE/1221/0002) is situated within the extent of land safeguarded in the ELP. The consented development retains the pond, canal and adjacent land as areas of accessible greenspace and green and blue infrastructure. This reflects the aspirations of the former Green Wedge, as well as those of the Strategic Green Infrastructure Corridor proposed in the emerging Core Strategy.
- 2.24 Notwithstanding the weight to be afforded to the emerging Core Strategy, the appeal proposals offer opportunities to complement and enhance the proposed Strategic Green Infrastructure Corridor by providing new areas of publicly accessible green and blue infrastructure, alongside the Nutbrook Canal, with areas managed for wildlife and biodiversity, as well as play provision and informal open space. The proposals will also provide links with the existing public rights of way and cycle network, as well as opening up and formalising permissive routes and providing cycle links that are proposed for the area.

COUNCIL'S STATEMENT OF CASE

- 2.25 The Council's SoC [**Core Document 115**] sets-out those Reasons for Refusal (RfR) that have been overcome since the refusal of planning permission. These include RfR 4, which related to the impacts on biodiversity. The Council consider that, based on advice received from Derbyshire Wildlife Trust, the mitigation measures proposed are acceptable.
- 2.26 Within their SoC, the Council consider that the rationale for the remaining reasons for refusal is clearly laid out in the Planning Committee Report.

Visual Impact (reason for refusal 5)

- 2.27 At paragraphs 6.11 – 6.13, the Council summarise their case in relation to RfR 5, stating that they will demonstrate how the proposal to develop 196 homes would harm the character of the appeal site, and that:

"The council will demonstrate the role that this field, in conjunction with adjoining undeveloped land, plays in establishing the local open character of this area and providing a clear and beneficial gap between the developed areas of the wider settlement."

- 2.28 The Council's assertion that that the appeal site provides part of a wider "clear and beneficial gap" between developed areas of the wider settlement introduces a spatial planning component into reasons relating to character and appearance and visual impacts.
- 2.29 This is not a matter that has been raised within either RfR5, or the Officer's Committee report in relation to character and appearance and visual amenity.
- 2.30 The appeal site is not designated in the adopted Core Strategy for landscape quality, nor for any reasons relating to separation and the individual identity of settlements (i.e. Green Wedges or Green Belt).
- 2.31 As summarised above, Mr Hawley considers matters relating to the emerging Local Plan and Green Belt within his evidence as they relate to RfR 9 and 10.
- 2.32 Whilst the Council recognise that Core Strategy Policy 10 specifies that proposals for new development outside of Settlements will be assessed reference to the Derbyshire Landscape Character Assessment [**Core Document M1**], at paragraph 6.12 of their SoC the Council consider that harm caused by the appeal proposals:

"... would be caused on a scale which would not be detrimental to the Derbyshire Landscape Character, with the landscape character assessment not being material to the reasons for refusal."

- 2.33 This statement reinforces the fact that any impacts of the appeal proposals will be localised in scale and extent.
- 2.34 However, it is clear that the landscape character assessment is of relevance when considering the effects and appropriateness of the appeal proposals. The assessment sets-out the key characteristics that make the landscape of an area distinctive, as well as providing planting and management guidelines for each of the landscape types within the Borough. These guidelines inform the design of proposals and identify suitable measures to ensure that development will protect, conserve and where appropriate enhance landscape character in line with the landscape character assessment, as required by Core Strategy Policy 10.
- 2.35 Finally, at paragraph 6.13, the Council's SoC recognise that, with reference to the Appellant's submission, views into the site are limited by boundary hedges which would remain, and that their retention would continue to screen views of the development. However, noting that scale and appearance are reserved matters, the Council consider that the proposed houses:

"... would be visible from vantage points all around the outside of the site, where the urbanising impact of the development and its accesses would be observed."

- 2.36 This statement highlights the highly localised nature and extent of any visual impacts of the appeal proposals.

- 2.37 As set-out below, it is common ground that visual impacts of the proposals will be localised and limited to views that were identified in the Landscape Statement of Case. These are Viewpoints 1 – 16, as illustrated on **Figure 5: Visual Context – Local** at volume 2 of my evidence.
- 2.38 It has been agreed that of these local views, Viewpoint 10 from the canal towpath to the northwest of the Appeal Site, does not have views of the site. The most distant public viewpoint with views of the appeal site identified within the Landscape Statement is located 270m from the appeal site, on the Nutbrook Trail.
- 2.39 As I explain within my assessment in this proof of evidence, any changes associated with the proposals will be within an urban edge context, where residential and commercial development are part of and heavily influence the character and appearance of the area.

COMMON GROUND

- 2.40 Matters agreed as common ground relating to character and appearance and visual amenity are set out below.
- 2.41 These are useful as they clearly demonstrate the position between the Appellant and the Council in that any effects on the character and appearance and visual amenity are highly localised and limited in scale and extent.
- 2.42 The matters of agreement also clarify that the appeal site is not subject to any designation in the Local Plan and is not a valued landscape under the provisions of the NPPF.
- The appeal site is not subject to any designations in the Local Plan;
 - The appeal site is not situated within a landscape that is subject to either a statutory or local non-statutory landscape designation. It is not considered to be a valued landscape under the provision of paragraph 174(a) of the NPPF;
 - The appeal site does not contain any features that are rare or unusual;
 - The impacts of the proposed development upon the landscape will be localised in scale; and
 - The visual impacts from the proposed development are localised and limited to the views identified in the Landscape Statement of Case.
- 2.43 Notwithstanding the limited weight to be afforded to the emerging local plan and draft policies, it is also common ground that emerging Strategic Policy 5 does not preclude development within proposed Green Infrastructure corridors.

MAIN ISSUES RAISED BY THIRD PARTIES

- 2.44 Several comments on the proposals have been made by interested parties, including those in relation to the main issues of character and appearance and visual amenity.

2.45 None of the comments made have raised matters beyond the scope of those contained within RfR5 and the Council's SoC. Matters raised include:

- The proposals being out of character;
- The proposals resulting in the loss of open land;
- Impacts upon the landscape; and
Harm to the visual amenity of the area.

2.46 Within these comments, impacts on users of the fishing ponds and those who use the canal for leisure are also highlighted.

2.47 I consider the above matters within my evidence, taking into account the landscape character and effects of the proposals upon the visual amenity of those groups of people who may experience views of the appeal proposals.

2.48 Mr Hawley provides a summary of the Appellant's response to the main issues that have been raised by interested parties in relation to the Appeal Scheme at Appendix 1 of his proof of evidence.

JUNE 2023 - BASELINE CONDITIONS UPDATE

2.49 This proof of evidence provides an update to the Landscape Statement [**Core Document D7**] that was prepared subsequent to the lodging of the appeal, and which formed an appendix to the Appellant's Statement of Case [**Core Document I11**].

2.50 In updating my evidence, I have re-visited the site to establish whether there have been any material changes to the baseline conditions since my original site visits in December 2022.

2.51 As part of my fieldwork, I have also taken an up-to-date set of summer photographs. In addition to recording changes to the baseline conditions, these photographs also allow for a comparison between the winter views originally included in the Landscape Statement and summer views when the trees and hedgerows are in leaf, restricting views and intervisibility.

2.52 I consider any changes to the baseline conditions in my proof when identifying the landscape and visual context, as well as taking any changes into account within my assessment of landscape and visual effects.

2.53 I summarise the changes to the baseline conditions and my assessment below:

Landscape / Townscape Context

2.54 Since December 2022, implementation of works at the Stanton Regeneration Site have commenced to the east of Ilkeston Road, adjacent to the site and on land extending north of Lows Lane. This work relates to the implementation of the consented development for distribution centre and warehousing development (application no. ERE/1221/0002) .

- 2.55 At the time of writing (July 2023) work has included site clearance, vegetation removal along Lows Lane and earth works across a large area, with signage and fencing as well as construction activities taking place across the New Stanton Park site.

Visual Context / Photoviewpoints

- 2.56 As part of the exercise to update the baseline photography, I have included three additional viewpoints within this proof of evidence. These are included for completeness, as the Zone of Theoretical Visibility (ZTV) prepared to inform evidence indicate potential views of the proposals from these locations:
- Two additional views (Photo viewpoints A and B) from Sowbrook Lane to the west of the Appeal Site; and
 - A view from public footpath Dale Abbey FP35, west of Kirk Hallam, 1,400m to the northwest (Photoviewpoint 17).
- 2.57 The locations of these viewpoint are indicated on **Figures 6 and 7** at volume 2 of my evidence, with the views shown on the photosheets at **Figure 8**. I consider these additional viewpoints within Section 6 - Visual Context.
- 2.58 The addition of these viewpoints and my consideration of them has not altered my assessment of any landscape and visual effects, nor have I identified any additional groups of visual receptors who I consider may experience impacts on their visual amenity resulting from the proposed development.

STRUCTURE OF EVIDENCE

- 2.59 When addressing the reasons for refusal and associated matters, this proof sets out my evidence in the following structure:

Section 3: The Proposed Development

- 2.60 I provide a copy of the Illustrative Masterplan [**Core Document C17**] and details of hedgerow removal associated with the proposed accesses off Sowbrook Lane and Ilkeston Road. Further details of the indicative proposals as set out within the Design and Access Statement [**Core Document C1**] and supporting technical assessments submitted with the application are contained at **Appendix 2** (volume 2 of my evidence).

Section 4: Policy Context

- 2.61 Setting out the relevant local and national policies that are of relevance to the RfR and landscape and visual matters as set out above. This includes saved policies from the 2005 Local Plan [**Core Document B2**], the adopted Core Strategy [**Core Document B1**] policies and allocations, including the Stanton Regeneration Site and supporting Supplementary Planning Documents (SPD) and evidence base, as well as the emerging Core Strategy.

Section 5: Site Context

- 2.62 A review of the landscape and townscape context within which the appeal site is situated. This includes consideration of the changing context associated with the consented development of the Stanton Regeneration Site for employment / distribution warehousing use to the east of Ilkeston Road, as well as the wider allocation for residential development south of Sowbrook Lane and Low's Lane.

Section 6: Visual Context

- 2.63 Review of the visual context and identification of groups of people (visual receptors) who may experience changes to their views and visual amenity arising from the proposals. This includes users of local roads, public rights of way (footpaths, bridleways and cycle routes) and local residents of properties that overlook the appeal site.

Section 7: Landscape and Visual Effects

- 2.64 A review of the site and surrounding area to identify those qualities and features that may be of value, as well as the susceptibility of the landscape to the proposals, taking into account the illustrative proposals and for mitigation and enhancement measures.
- 2.65 The assessment takes account of the changing context and influence of the consented development of the Stanton Regeneration Site and future residential development as identified in the current and proposed allocations. The assessment also assesses the sensitivity of the groups of visual receptors identified in Section 6, taking into account their activities and susceptibility to the changes proposed.
- 2.66 Summary of the landscape and visual effects of the appeal proposals.

Section 8: Nutbrook Strategic Green Infrastructure Corridor

- 2.67 Overview of how the proposals may feed into and enhance the function, character and associated amenity, biodiversity and accessibility within the proposed Strategic Green Infrastructure Corridor and link to the surrounding rights of way network.

Section 9: Summary and Conclusions

- 2.68 Summary of the findings in relation to the reasons for refusal, including the character and appearance of the area, visual amenity and the proposed Strategic Green Infrastructure Corridor in the emerging Core Strategy.
- 2.69 My assessment of landscape and visual effects at Section 7 has been undertaken in accordance with published guidance, including the following publications:

- Guidelines for Landscape and Visual Impact Assessment, Third Editions, Landscape Institute and IEMA, 2013 (GLVIA) [**Core Document M3**]
- An Approach to Landscape Character Assessment, Natural England and Christine Tudor, 2018 [**Core Document M4**]; and
- Technical Guidance Note 02/11/'Assessing Landscape Value Outside National Designations (TGN 02/21) [**Core Document M5**]

2.70 The methodology employed within my assessment of the landscape and visual effects is contained at **Appendix 1** in Volume 2 of my evidence.

FIGURES AND APPENDICES

2.71 My evidence is supported by a set of figures and photographs that assist in demonstrating the character and context within which the appeal site is situated and how the proposed development will fit within this. These are contained at Volume 2 of my evidence and comprise the following.

Figures

- Figure 1: Site Location Plan
- Figure 2: Site Context
- Figure 3: Topography
- Figure 4: Zone of Theoretical Visibility
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- Figure 8: Site Context – Consented Development, Allocated Land and Appeal Site

Appendices

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-
- STANTON REGENERATION SITE -
RESOLUTION TO GRANT SECURED
FOR EMPLOYMENT SITE.**
- LEGEND:**
1. Main Site access from Healden Road
 2. Secondary site access from Sowerbrook Lane
 3. Pumping Station
 4. Local Employment Area of Play
 5. Gas Main
 6. Detention Basin
 7. Building Category A Use
 8. Local Area of Play
 9. Circular Pedestrian Route
 10. Access to Sowerbrook Lane
 11. Existing Road
 12. Building Category B Use with 50m offset to sub station
 13. Sub Station
 14. Public Open Space
 15. Abandoned Minershaft
 16. Retained Footpath
 17. Children's Tree Trail
 18. Billingsley of existing Public Right of Way
 19. Two lined Footpath
 20. Existing reserved Footpath to be retained
 21. Community Gardens

Sowbrook Lane, Stanton by Dale – Proof of Evidence, Character and Appearance
Report No 1060 R03b
Date 12.07.2023

SUPPORTING TECHNICAL ASSESSMENTS

- 3.4 **Appendix 2** of my evidence also provides an overview of the technical reports prepared to inform the design principles and development of the Masterplan, including the Heritage Statement [**Core Document C6**], Ecological Appraisal [**Core Document C12**] and Transport Assessment [**Core Document C16**].

HEDGEROW REMOVAL TO FACILITATE ACCESS

- 3.5 The implementation of the site accesses off Ilkeston Road and Sowbrook Lane will result in the loss of lengths of hedgerow removal to facilitate the access roads, footways and visibility splays. The access arrangements and visibility splays are illustrated on the Access Arrangements Plans at Appendix B of the Transport Assessment Addendum [**Core Document D8**]

Ilkeston Road

- 3.6 The Ilkeston Road access will require the removal of 25 metres of hedgerow, including some hedgerow trees. 15 metres of the hedgerow to be removed is required for the implementation of the junction. The remainder of the visibility splay can be achieved through the cutting back and management of the existing hedgerow.
- 3.7 As recorded in the Tree Survey [**Core Documents C7 – C9**], the hedgerow along Ilkeston Road (Group G5) is of substantial size, containing ash and oak trees, and being 10m high. The proposals will retain the majority of the hedge which will continue alongside the road, providing both physical and visual containment. There are also opportunities for the management and enhancement of the roadside hedgerows, including planting within the site.

Sowbrook Lane

- 3.8 The secondary access on Sowbrook Lane will require the removal of a total of 105 metres of hedgerow, including that required for the implementation of the junction, footways and visibility splays. The visibility splay to the north would necessitate the removal of 50 metres of hedgerow, with the visibility splay to the south resulting in the loss of 55 metres of hedgerow.
- 3.9 As illustrated by Photoviewpoints 5, 6a and 6b (**Figure 7** - volume 2 of my evidence), the hedgerow along Sowbrook Lanes is clipped and managed as a low hedgerow, with substantial lengths that are scrubby, comprising brambles. There are therefore opportunities to substantially enhance the hedgerows along the road with new native tree and hedgerow planting as part of the proposals.
- 3.10 As shown on the Illustrative Masterplan and set out within the accompanying design principles, the proposals offer opportunities to deliver both replacement hedgerows and enhancements to site boundaries through the delivery of landscape buffers incorporating trees hedgerows and areas of multifunctional green infrastructure.

- 3.11 This includes a 50 metre offset from the substation alongside Sowbrook Lane, within which areas of publicly accessible multifunctional greenspace including hedgerow and tree planting to create a soft transition and enhance the boundary landscape features and character along Sowbrook Lane.

4 POLICY CONTEXT

- 4.1 I summarise below the policies and guidance that are of relevance to the effects of the proposals upon the character and appearance of the area, included those cited within Reason for Refusal 5. I also consider allocations within the adopted Core Strategy and the emerging Core Strategy in relation to the Stanton Regeneration Site and the proposed Strategic Green Infrastructure Corridor.
- 4.2 I refer to policy as it is relevant to my evidence and landscape and visual matters. Mr Hawley references policies more generally and as part of the planning balance.

NATIONAL PLANNING POLICY FRAMEWORK

- 4.3 At the heart of the NPPF [**Core Document A1**] is a presumption in favour of sustainable development. For plan making, the presumption requires plans to positively seek opportunities to meet the development needs of an area and be sufficiently flexible to adapt to rapid change. Footnote 7 accompanying the presumption identifies protected areas or assets of particular importance which includes Areas of Outstanding Natural Beauty (AONB), National Parks and areas defined as Heritage Coast.
- 4.4 The appeal site is not situated within or in proximity of any of the protected areas or assets of particular importance identified by footnote 7 and is not situated within any landscapes that are designated at either a statutory or non-statutory level in relation to their value or quality.
- 4.5 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, as stated at paragraph 126.
- 4.6 Paragraph 130 seeks to ensure that developments, among others:
- "b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and*
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."*
- 4.7 Paragraph 174 requires planning policies and decisions to contribute to and enhance the natural and local environment by fulfilling criteria including amongst others:

"a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and

b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.”

- 4.8 The appeal site does not comprise a valued landscape under paragraph 174(a) of the NPPF. The appeal site is not situated within or in proximity of any of the protected areas or assets of particular importance identified by footnote 7 and is not situated within any landscapes that are designated at either a statutory or non-statutory level in relation to their value or quality.
- 4.9 Paragraph 175 makes it clear that there is a hierarchy to the importance and value attributed to landscapes, and that the development plan should identify the quality of particular landscapes that are not subject to statutory protection.
- 4.10 In the absence of local designations, the development plan may identify qualities and attributes of the landscape (i.e. characteristics and features) that combine to provide the intrinsic character and beauty of the countryside. This is often set out within published Landscape Character Assessments and associated strategies and guidelines that form part of the evidence base prepared to support the local plan policies and their application.

PLANNING PRACTICE GUIDANCE (PPG)

Natural Environment, July 2019: Green Infrastructure

- 4.11 The PPG [Core Document A2] highlights the multifaceted benefits provided through the provision of Green Infrastructure, including but not limited to¹:

"enhanced well-being, outdoor recreation and access, enhanced biodiversity and landscapes, urban cooling, and the management of flood risk"

- 4.12 Moreover, the PPG recognises how green infrastructure exists within a wider landscape context and can thus be used to reinforce and enhance local landscape character and contribute to a sense of place and natural beauty (Paragraph: 006 Reference ID: 8-006-20190721, Revision date: 21 07 2019).

EREWASH DEVELOPMENT PLAN

- 4.13 The following Saved Policies [Core Document B2] and those within the adopted Erewash Core Strategy 2011 – 2028 [Core Document B1] relate to landscape matters and the character and appearance of the area. These include those cited within the reasons for refusal, as well as those which consider to be of relevance in relation to landscape matters.

¹ Paragraph: 005 Reference ID: 8-005-20190721, Revision date: 21 07 2019

ADOPTED CORE STRATEGY

Policy 10: Design and Enhancing Local Identity

4.14 Policy 10 is cited in RfR5 which relates to landscape and visual effects. Policy 10 comprises three criteria. Criterion 1 states that all new development should:

- Make appositive contribution to the public realm and sense of place;
- Create an attractive, safe, inclusive and healthy environment;
- Have regard to the local context and reinforce valued local characteristics; and
- Reflect the need to reduce the dominance of motor vehicles.

4.15 The second set of criteria relates to design and detailed matters, stating that development will be assessed in relation to structure, legibility, and the density, massing, scale and materials. The impacts on amenity of nearby residents or occupiers are also identified.

4.16 Part 3 of the policy relates to landscape character, stating that:

"Outside of settlements, new development should protect, conserve or where appropriate, enhance landscape character. Proposals will be assessed with reference to the Derbyshire Landscape Character Assessment."

4.17 At paragraph 3.11.9, the supporting text to Policy 10 states that Erewash has some distinctive and locally valued landscapes, and that new development should have regard to the landscape within which it is located, going on to clarify that:

"Development should protect, conserve and, where appropriate, enhance landscape character, in line with the relevant Landscape Character Assessments."

4.18 The text goes on to state that particular regard will be had to:

- The objective of protecting open countryside and historic landscapes.
- Locating or siting development sensitively within the landscape.
- The likely impact of the scale of the development.
- The objective of preserving or enhancing biodiversity value.

4.19 In Section 5 of this proof of evidence, I review the landscape character assessment and characteristics, features and guidelines for the Coalfield Village Farmlands Landscape Type, within which the site is situated.

Policy 16: Green Infrastructure, Parks and Open Space

- 4.20 The reasons for refusal do not include mention of Policy 16, which seeks to take a strategic approach to the delivery, protection and enhancement of Green Infrastructure, through the establishment of a network of Green Infrastructure corridors and assets, including those at a local level.
- 4.21 The approach to achieving the above includes protection and enhancement of existing GI corridors, including the Nutbrook Trail and Urban Fringe Areas. The policy promotes links to and between the GI network for recreational purposes and migration of species.
- 4.22 The policy also seeks to protect, conserve or enhance landscape character where appropriate, in line with the recommendations of the Derbyshire Landscape Character Assessment.
- 4.23 New or enhanced GI corridors and assets should be as inclusive as possible and multifunctional, making provision for physical activity and well-being opportunities for local residents, educational resource, biodiversity opportunities and enhancement of landscape character, among others.
- 4.24 Given the location of the site alongside the Nutbrook Canal and opportunities for the proposals to improve the amenity value and connectivity through the existing GI corridor and associated assets, as well as offering landscape, biodiversity and amenity benefits, the proposals meet the aspirations of Policy 16 as part of a wider strategic network of Green Infrastructure.
- 4.25 At paragraph 3.17.7 the supporting text to Policy 16 identifies that landscapes and features within them form an important part of the GI network, referring to the Derbyshire Landscape Character Assessment that provides details on how the different landscape types can be protected, conserved or enhanced.

Policy 20: Stanton Regeneration Site

- 4.26 The adopted Core Strategy [**Core Document B1**] has allocated land on the former ironworks to the east and southeast of the site as the Station Regeneration Site, to provide around 2,000 homes, a 10 hectare business park and 10 hectares of land for general industrial use. The area is shown on the extract of the proposals map below on **Figure 4.1** and is also shown on the aerial photograph base on **Figure 2: Site Context** at volume 2 of my evidence.
- 4.27 As part of the allocation, the regeneration site is also to provide a strategic area of green infrastructure, to include:
 - A wildlife corridor linking the Nut Brook Valley with the Erewash Valley;
 - An area of at least 20 hectares to provide a destination wild space and informal recreation area; and
 - Enhancement to the multi-user link between the Nut Brook Trail to the west and Erewash Valley Trail to the east.

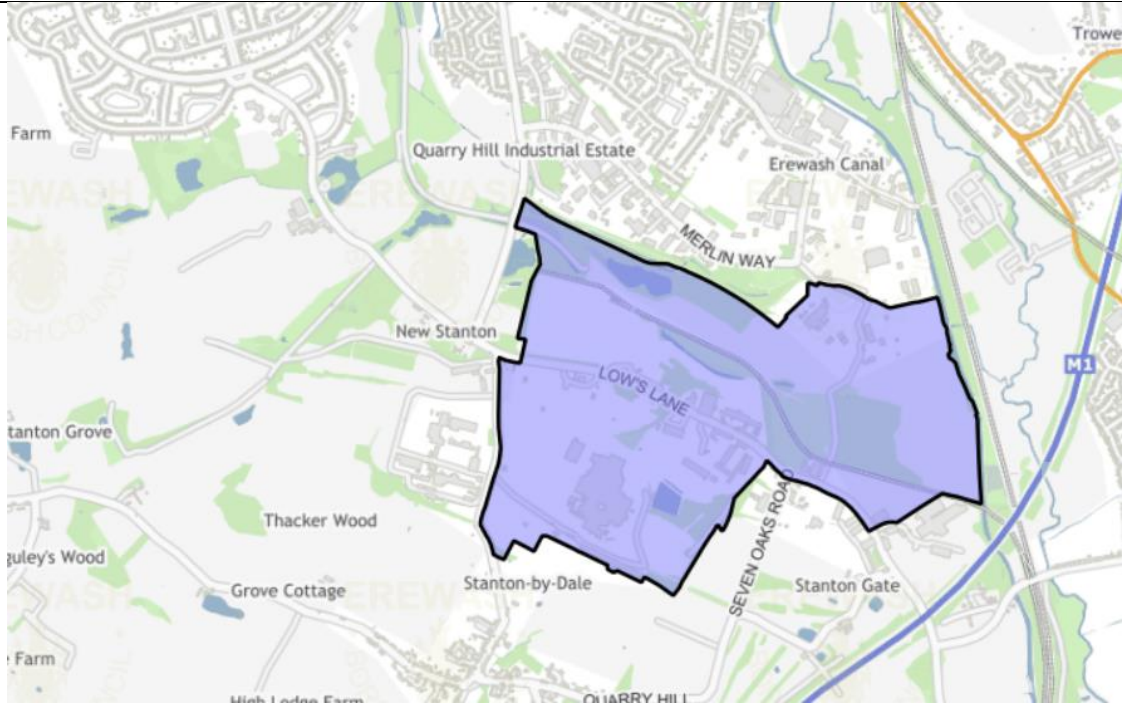


Figure 4-1: Adopted Core Strategy Proposals Map - Policy 20 Stanton Regeneration Site

CONSENTED DEVELOPMENT

- 4.28 An application for the development of part of the wider Stanton Regeneration Site, north of Low's Lane for employment use has been granted consent in August 2022 (application no. ERE/1221/0002). The proposals include for the provision of distribution centre and warehousing development, with ridge heights of between 24m to 31m above finished floor level.
- 4.29 The proposals also include for the retention of land alongside the Nutbrook Canal as an area of strategic green infrastructure, incorporating the Nutbrook Trail (National Cycle Route 67) and the canal towpath, as well as existing waterbodies, including the fishing ponds east of Ilkeston Road.
- 4.30 The proposals are shown on the New Stanton Park Illustrative Masterplan, a copy of which is contained at **Appendix 4** of my evidence (volume 2) t. An extract is included on **Figure 4.2** below. The parameters plan for the regeneration site is included at my **Appendix 5**. The appeal site can be seen adjacent to the allocation, west of Ilkeston Road. The masterplan also shows the location of improvement works to the junction of Ilkeston Road and Low's Lane / Sowbrook Lane to the southeast of the site (pink hatching).
- 4.31 The land to the south of Low's Lane remains as part of the wider allocation of the Stanton Regeneration Site and is expected to deliver new housing, as included in the emerging Core Strategy.



Figure 4-2: Stanton Regeneration Site: New Stanton Park - Illustrative Masterplan

SAVED POLICIES

Saved Policy H12: Quality & Design

4.32 Policy H12 is cited in RfR5 and requires that proposals:

"1. Are in scale and character with their surroundings;

"2. Have regard to distinctive landscape features and provide supplementary landscaping where appropriate, particularly where the development is visually prominent or situated on the established urban fringe."

4.33 The policy requires dwellings to have adequate amenity space and an acceptable standard of privacy within private gardens. These are both detailed matters that would be considered at reserved matters once the outline consent had been granted.

- 4.34 The policy also requires proposals to be located so as to avoid being unduly affected by noise or smells. As set out at **Appendix 2** (volume 2 of my evidence), the illustrative proposals have been developed to ensure a sufficient set back is provided from the substation on Sowbrook Lane.

Saved Policy EV16 – Landscape Character

- 4.35 Whilst not cited in any of the reasons for refusal, Saved Policy EV16 seeks to ensure that development recognises and accords with the landscape character within which it is located.
- 4.36 As with Saved Policy H10, the focus of the policy is upon detailed matters, including materials, landscaping and roof design. These are not the subject of the appeal proposals, which have all matters reserved except for access. However, the supporting text to the policy refers to the Derbyshire Landscape Character Assessment that forms part of the evidence base and which supports the local plan. The text states at paragraph 6.20 that:

"The Derbyshire Landscape Character Assessment is intended to provide details of the specific features, characteristics and qualities of distinctive areas of the County in order to inform decision makers, such as planning authorities, when considering development proposals which will impact upon the landscape character of an area."

- 4.37 I set out the character, features and qualities of the area as defined by the Derbyshire Landscape Character Assessment in Section 5 when considering the site context.
- 4.38 The character assessment also contains planting and management guidelines for each of the Landscape Types. Proposals may incorporate these guidelines to ensure that development recognises and accords with the landscape as required by Saved Policy EV16. I consider the opportunities for delivery of these guidelines within the appeal proposals when assessing the potential effects of the development scheme upon the character and appearance of the area.

SUPPLEMENTARY PLANNING DOCUMENTS AND GUIDANCE

- 4.39 The development plan is supported by a number of Supplementary Planning Documents (SPD), including the following that relate to landscape matters and which support the policies reviewed above.

LANDSCAPE SPD, APRIL 2006

- 4.40 The Landscape SPD [**Core Document M2**] has been prepared to support a number of former Local Plan policies, including Saved Policy EV16: Landscape Character (as detailed above).
- 4.41 The SPD provides a summary of the Landscape Character Types (LCTs) as defined by the Landscape Character Assessment of Derbyshire. The site and land surrounding Ilkeston lies within the Lowland Village Farmlands LCT. I review the characteristics, features and guidelines for the LCT within Section 5.

- 4.42 The SPD also identifies a range of considerations for the detailed design and implementation of landscape proposals for development sites. As the appeal scheme is in outline, these details and guidance are not relevant at this stage and will become more so at reserved matters as the design of the proposals comes forwards.

STANTON REGENERATION SITE SPD, JANUARY 2017

- 4.43 The SPD provides a masterplan to enable the comprehensive redevelopment of the wider Stanton Regeneration Site. This includes details of the Green Infrastructure Strategy at Appendix 3 of the SPD which include for an area of strategic landscaping that delivers the wildlife corridor and trail link requirements, as well a sustainable drainage needs.
- 4.44 The Green Infrastructure Map extract on **Figure 4.3** below shows the extent of the area of wild space (green hatch) and informal recreation areas (chequered hatching) within the corridor of land between the Nutbrook Canal and the Nutbrook Trail to the north of the regeneration site.



Figure 4-3: Stanton Regeneration Site SPD - Green Infrastructure Map, extract

EVIDENCE BASE

The Landscape Character of Derbyshire

- 4.45 As detailed within adopted and saved policies and reiterated within SPD, the Landscape Character of Derbyshire [**Core Document M1**] provides a landscape character assessment of the County, identifying a number of Landscape Character Areas and Character Types. For each of the landscape types (LCTs), the assessment sets out the key characteristics, as well as planting and management guidelines.
- 4.46 The assessment for each of the LCTs help identify the key features and qualities that make the landscape of each area distinctive and informs the application of policies, guiding the design of new development to conserve and enhance the landscape character within proposals.
- 4.47 I review the findings of the assessment for the Coalfield Village Farmlands LCT within which the site and land surrounding Ilkeston is situated in further detail at Section 5.

EMERGING CORE STRATEGY

EREWASH BOROUGH COUNCIL CORE STRATEGY REVIEW – SUBMISSION VERSION, NOVEMBER 2022

Strategic Policy 1.2 – South Stanton

- 4.48 The emerging Core Strategy [**Core Document B3**] proposes to allocate the southern part of the wider Stanton Regeneration Site south of Low's Lane for strategic residential development of around 1,000 new homes, primary school and village centre. The policy states that:

"The development will form a new community associated with the Ilkeston Urban Area."

- 4.49 The policy recognises that the land to the south of Low's Lane forms part of the Ilkeston urban area. The allocation is shown on Figure 6 below as a beige hatch, below the purple area that forms Stanton North and which is consented for employment use.

Strategic Policy 5 – Green Infrastructure

- 4.50 The emerging Core Strategy seeks to designate areas as Strategic Green Infrastructures Corridors. This includes the Nutbrook Strategic Green Infrastructure Corridor.
- 4.51 The extent of the proposed Strategic Green infrastructure Corridor is illustrated on the proposals map, an extract of which is shown on **Figure 4.4** below. The corridor extends to include the areas of green infrastructure within the Stanton Regeneration Site to the east and north of the appeal site that runs between the canal and Nutbrook Trail, as well as the site and land to the west, as far south as Sowbrook Lane.

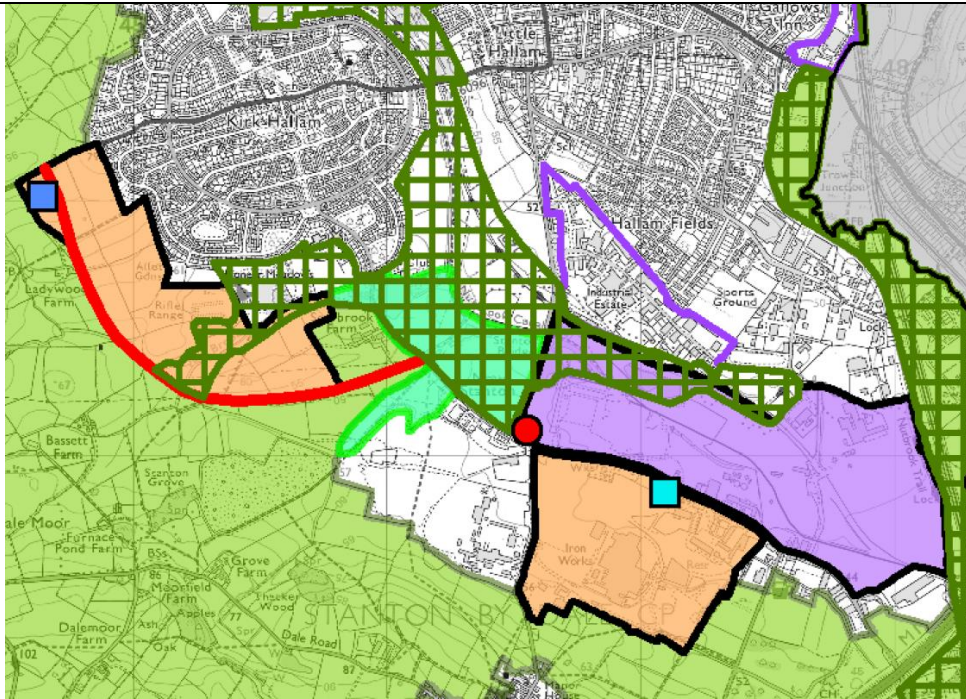


Figure 4-4: Erewash Core Strategy Review, Submission Version Nov2022 - Proposals Map, extract

- 4.52 The policy identifies four objectives of the Strategic Green Infrastructure Corridors, which are to provide:
- Sustainable flood water management;
 - Biodiversity improvement, including natural carbon capture;
 - Active travel; and
 - Open Space recreational uses.
- 4.53 As set out at **Appendix 2** (volume 2 of my evidence), the development of the site offers opportunities to provide substantial enhancements to green infrastructure in line with the objectives of Strategic Policy 5. This includes the stated aims of:
- Natural flood management - through the provision of SuDS
 - Biodiversity improvement – Through managing of existing habitats and creation of new areas for wildlife and biodiversity improvements;
 - New recreational facilities – Including formal and informal recreation; and
 - Extended recreational route ways - connecting with the existing foot and cycle network.

5 SITE CONTEXT

PUBLISHED LANDSCAPE CHARACTER ASSESSMENT

- 5.1 As set out above, local policies are supported by the Landscape Character of Derbyshire landscape character assessment, [Core Document M1] which identifies a number of distinct Landscape Types and their key characteristics and features. The assessment also provides guidance on the management of the landscape within each area.

COALFIELD VILLAGE FARMLANDS LANDSCAPE TYPE

- 5.2 The landscape character assessment identifies the landscape to the south and west of Ilkeston as being situated within the Coalfield Village Farmlands Landscape Type (LCT). The LCT covers a wider area, extending west of Ilkeston and north towards Ripley.

- 5.3 Key characteristics identified for the LCT are:

- Gently undulating landform
- Dairy farming with pasture and localised arable cropping
- Relict ancient semi-natural woodland, copses and linear tree-belts
- Dense watercourse trees and scattered hedgerow trees
- Towns and villages on ridge lines surrounded by remnant medieval strip fields
- Network of small irregular lanes between larger urban roads
- Small villages with sandstone buildings expanded by red brick terrace housing and ribbon development.

- 5.4 The descriptive text for the LCT describes the landscape as:

"... essentially a small-scale, organic landscape with small woodlands, copses, linear tree-belts and hedgerow trees."

- 5.5 The influence of the built environment across the areas is also identified, with the area described as a settled landscape characterised by towns, many villages and a moderate dispersal of farmsteads.
- 5.6 Given the location of the appeal site on the urban fringe of Ilkeston, surrounded by associated extensive industrial, employment and commercial development, many of the key characteristics identified for the Coalfield Village Farmlands are not present, having been lost to the urban and industrial development of the landscape.
- 5.7 Trees and woodland along the course of the Nutbrook Canal and Nut Brook are characteristic of the wider area, providing enclosure within the local landscape, combining with hedgerows and trees to field boundaries that run along the roads on the urban edge.

- 5.8 The red brick terraced housing of the Sowbrook Cottages / Twelve Houses that run alongside Sowbrook Lane to the south of the appeal site are characteristic and represent ribbon development that has extended along the road. However, the extensive industrial and commercial development that surrounds the cottages has amalgamated them into the built fabric of Lower Stanton.
- 5.9 The summary for the Coalfield Village Farmlands LCT recognises the influence of development within areas on the urban fringe, stating that:

"The diverse history of enclosure and industrialisation has created a patchwork of land-uses. Widespread industrial and housing development has subsumed many of these villages and new development continues to impact upon their distinctive character."

- 5.10 The extract below (**Figure 4.1**) shows the location of the appeal site within the LCT and demonstrates the presence of residential, employment and industrial development on the fringes of Ilkeston that lie within the Coalfield Village Farmlands.



Figure 5-1: Coalfield Village Farmlands LCT - local extract

Planting and Management Guidelines

- 5.11 The following guidelines set out within the assessment for the Coalfield Village Farmlands, and are of relevance to the appeal site and local area:
- Small scale woodland planting.
 - Re-establish and enhance physical links between existing isolated woodland and hedgerows
 - Ensure the enhancement and management of hedgerow trees, through selection and natural regeneration, or by planting
 - Encourage the management of scrub and secondary woodland to link with existing habitats and woodland
 - Enhance the visual and ecological continuity of river corridors by management, natural regeneration and planting of riparian trees
 - Ensure the conservation and management of mature/veteran trees within hedgerows
- 5.12 The appeal proposals offer opportunities to deliver all of the above through the retention and enhancement of hedgerows, new tree planting and creation of new areas of multifunctional green and blue infrastructure linking with the existing woodland and scrub on the site boundaries.

SITE-SPECIFIC ASSESSMENT

- 5.13 Given the above analysis of the Derbyshire Landscape Character Assessment that supports the adopted Core Strategy and Saved Policies, it is clear that the wider landscape of the Coalfield Village Farmlands LCT is characterised by the enclosed pattern formed by woodland and trees along watercourses and to field boundaries.
- 5.14 The appeal site is situated within the urban fringe and influenced by the residential and industrial context. The landscape character assessment recognises the influence of enclosure, industrialisation and housing development within the area.
- 5.15 As I examine further below, the appeal site is situated within a well contained landscape that is heavily influenced by development on the edges of Ilkeston that includes employment, industrial and residential development.
- 5.16 This is contrary to the assertion made within Reason for Refusal 5 that the open landscape is characteristic of the area.
- 5.17 **Figure 2: Site Context** (volume 2 of my evidence) shows the location of the appeal site overlaid onto an aerial image. This clearly demonstrates the context of the site including the urban edge of Ilkeston that, in turn, includes industrial and commercial development on the sites of the former ironworks that extends to the south of Low's Lane and Sowbrook Lane. As set out above when examining the policy context, the former ironworks east of Ilkeston Road is part of the Stanton Regeneration Site and has consent for large-scale employment development. An extract of Figure 2 is included below.



Figure 5-2: Extract of Figure 2 - Site Context

NEW STANTON PARK DEVELOPMENT

- 5.18 Works for the development of distribution warehousing on the land to the immediate east of Ilkeston Road, adjacent to the appeals site have commenced under planning permission ERE/0423/0018. The location of the warehousing at plot 1, unit 1 New Stanton park is illustrated on the extract of the Site Location plan below (**Figure 5.3**) taken from the Design and Access Statement submitted with the application.
- 5.19 At the time of writing (July 2023) this has included site clearance, removal of trees and hedgerows on Lows Lane and ground works.
- 5.20 Once completed, the development includes for a warehousing building with a ridge height of up to 24m height on land adjacent to the appeal site. This development, along with wider development of the Stanton Regeneration Site, will further influence the urban edge context and character of the local landscape within which the appeal site is situated.

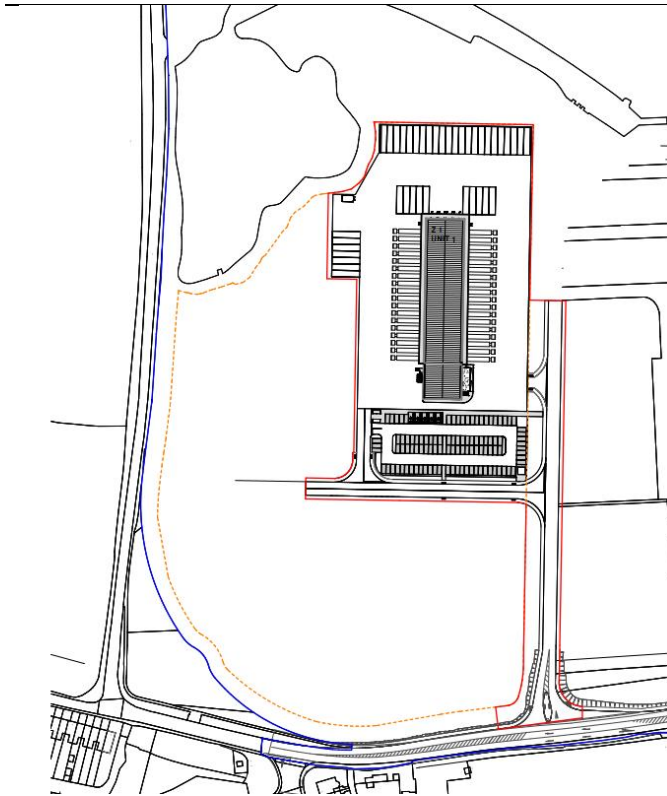


Figure 5-3: Application ERE/0423/0018 – Plot 1, Unit 1 New Stanton Park - Site Location Plan

SITE CONTEXT AND FEATURES

- 5.21 **Figure 5: Visual Context – Local** (volume 2 of my evidence) shows a more detailed aerial image of the appeal site that shows the features described below. I refer to the Representative Viewpoints (**Figure 7**) when describing the character and features.
- 5.22 The site comprises a single field of approximately 10 hectares that is managed as grassland, bound by native hedgerows and hedgerow trees. A length of hedgerow extends west into the site from Ilkeston Road. A single oak tree lies within the field to the northeast of the site (**Photoviewpoint 13**).
- 5.23 The land slopes gently from Sowbrook Lane to the south towards the Nutbrook Canal that bounds the site to the north.
- 5.24 To the east, the site is bound by mature hedgerows and trees that run alongside Ilkeston Road, which extends north from the junction with Sowbrook Lane and Low's Lane on the south-eastern corner of the site (**Photoviewpoints 1 – 3**).

- 5.25 To the east of Ilkeston Road, Private's Pond fishing pond is located alongside the Nutbrook Canal, on the edge of the former ironworks. The pond is set amongst trees and scrub that run alongside the road (**Photoviewpoint 7**).
- 5.26 To the south, Sowbrook Lane extends from the junction westwards towards Kirk Hallam. A line of electricity poles and overhead lines run alongside the southern boundary of the appeal site, north of Sowbrook Lane. The hedgerow along Sowbrook Lane is maintained and clipped, allowing views of the residential development at Hallam Fields beyond the Nutbrook corridor north of the canal (**Photoviewpoint 6a**).
- 5.27 A row of 12 terraced cottages (Sowbrook Cottages / The Twelve Houses) extend along the southern edge of Sowbrook Lane at the road junction to the south of the site (see photograph at **Figure 4.3** below). A substation and edges of the former quarry and works at Stanton Precast front the road beyond palisade fencing (**Photoviewpoint 6b**).



Figure 5-4: Sowbrook Cottages

- 5.28 To the west, the site is bound by a belt of trees, woodland and scrub that run along the line of the former Staunton Arm of the Nutbrook Canal. A fishing pond, Rough's Hole, lies to the northwest of the site, adjacent to the canal and set within an area of trees, hedges and scrub.
- 5.29 The northern edge of the site alongside the canal is defined by mature trees and hedgerows, with some gaps in the vegetation west of Stanton Bridge (**Photoviewpoint 8**).
- 5.30 To the north of the site, the canal runs under Stanton Bridge. There is a small private car park and fishing platforms belonging to the Stanton Angling Club alongside the towpath. The canal is lined with trees and vegetation, containing the site.

- 5.31 To the north of the canal, the Nut Brook corridor is defined by pastoral fields that cross the floodplain, defined by native hedgerows and hedgerow trees. The Nutbrook Trail, part of National Cycle Route 67, runs alongside the brook to the north of the floodplain and is lined with trees and hedgerows along its length.
- 5.32 The appeal site is separated from the fields within the floodplain by the canal, embankment and trees and vegetation that line the canal and towpath.
- 5.33 The smaller scale fields and field pattern within the Nutbrook Corridor and floodplain, hedgerows, hedgerow trees and lines of trees and small woodlands along the canal are distinctive features and representative of the key characteristic identified for the wider Coalfield Village Farmlands LCT.
- 5.34 Beyond the Nutbrook Trail, the residential edge at Hallam Fields provides a developed backdrop (**Photoviewpoints 9 and 10b**). Houses and areas of greenspace, play areas and public open space front onto the trail (**Photoviewpoint 11**).
- 5.35 To the southwest of the canal, the residential edge at Kirk Hallam and recreation ground lie alongside the canal (**Photoviewpoint 10a** and photograph below)



Figure 5-5: Kirk Hallam Recreation Ground

STANTON REGENERATION SITE

- 5.36 As detailed above, works have commenced on the construction of a distribution warehouse on land adjacent to the site, east of Ilkeston Road . This is unit one on plot one of the New Stanton Park development, and marks the commencement of the large scale employment scheme that has been consented on the Stanton Regeneration Site to the east of Ilkeston Road. Copies of the Illustrative Masterplan and Parameter Plan for the wider development are contained at **Appendices 4 and 5**.

- 5.37 Once completed, the development will introduce large scale warehouse buildings with a height of up to 24 metres east of Ilkeston Road, extending up to 31m high within the centre of the site. These buildings will form a backdrop to the appeal site and will be visible across the skyline from within the wider area. The development of the former Ironworks will re-introduce large scale development where there were the former smelters of the ironworks, reinforcing the urban and commercial context within which the appeal site is situated on the edge of Ilkeston.
- 5.38 At **Appendix 6** in volume 2 of my evidence , I include copies of the photomontages of the employment scheme included within the Environmental Statement prepared to support the consented application. These show the scale and massing of development that may be delivered under the consented scheme.
- 5.39 The Stanton Regeneration Site proposals also include for strategic Green Infrastructure and recreation improvement alongside the Nutbrook Canal and Nutbrook Trail, tying in with the green corridor that extends alongside the canal to the north of the appeal site.
- 5.40 The areas of green infrastructure along the canal that are delivered within the New Stanton Park regeneration scheme include for the retention of Private's Pond fishing pond and associated access and parking. This reflects the proposals for the retention of the Rough's Hole fishing pond and upgrading of the existing permissive access, set within an area of multifunctional green infrastructure alongside the canal incorporating new planting, SuDS features and recreation opportunities that is proposed as part of the appeal proposals.
- 5.41 In addition to the employment site, the allocation of land south of Low's Lane for up to 1,000 dwellings will, once delivered, extend the residential edge of Ilkeston to the south, further enclosing the site within the developed context and urban edge.

6 VISUAL CONTEXT

EXTENT OF VIEWS

- 6.1 To inform the visual assessment, a Zone of Theoretical Visibility (ZTV) of the proposed development was prepared. The ZTV was based upon the developable areas as shown on the Illustrative Masterplan for the appeal scheme and assumes a ridge height of development at 9m AOD. This provides for a range of dwelling types and sizes.
- 6.2 The ZTV utilises LiDAR data that includes vegetation and built form, thereby more accurately showing the extent of potential visibility of the proposed housing. The 3d base mapping used to generate the ZTV is shown on **Figure 3: Topography** (volume 2 of my evidence).
- 6.3 The plan shows the location of the appeal site on the lower-lying land at the edge of the Nutbrook Corridor that leads to the Erewash Valley to the east. To the north, beyond the brook and canal, the urban area of Ilkeston at Hallam Fields lies on the rising land between the valleys. Kirk Hallam lies on the rolling landform to the northwest of the site, beyond a shallow tributary valley. To the south, the land rises towards a ridgeline at Stanton by Dale.
- 6.4 The ZTV is illustrated on **Figure 4** (volume 2 of my evidence) and shows the limited extent of visibility of the appeal site and proposed development. The location of representative viewpoints used to inform my assessment are illustrated on **Figures 5 and 6**.
- 6.5 As described above, the dense trees and vegetation alongside the canal and watercourses, combined with woodland to the west, south and east contain the site and limit publicly available views to those from adjacent roads, rights of way to the north of the site on the towpath and Nutbrook Trail and permissive paths within the appeal site itself.
- 6.6 Whilst the ZTV indicates potential views of the proposals from within the wider area on the rising slopes to the south adjacent to Stanton by Dale, the site is not discernible in these wider elevated views, being set beyond intervening trees, woodland and large scale industrial development south of Sowbrook Lane and Low's Lane (**Photoviewpoint 16**).
- 6.7 **Photoviewpoint 17** shows views from Public Footpath Dale Abbey FP35, on the elevated land to the northwest west of Kirk Hallam, 1,400m distant from the site. Whilst the ZTV identified views of the proposed development from this location, as illustrated by Photoviewpoint 17 the site is not easily discernible in these wider views. Intervening woodland within the landscape between the appeal site and edges of Kirk Hallam, as well as the woodland and trees to the site boundaries combine to screen views across the site.
- 6.8 The view shows the land at New Stanton Park to the east of the appeal site, viewed between intervening trees and extending towards the large distribution warehouses at West Way, beyond the wider Stanton Regeneration Site.

- 6.9 With the completion of the under-construction distribution warehouse at New Stanton Park to the east of the appeal site, the warehouse building will be visible above the intervening trees, forming a developed backdrop to the site. Any potential glimpses of the proposals within these expansive, distant and elevated views would be limited to the roofs of properties, seen amongst the trees and set against the backdrop of the warehouse and distribution development. Any change to these views would be negligible.
- 6.10 Given the above, I have not taken forward consideration of users of Public Footpath Dale Abbey FP35 further within my evidence, as there would be no discernible effect on the visual amenity of these receptors.

Views from Sowbrook Lane

- 6.11 As set-out at Section 1 of this proof of evidence, I have included additional viewpoints from Photoviewpoint 17 (see above) and Sowbrook Lane to the west of the appeal site (**Photoviewpoints A and B**).
- 6.12 As I examine below and in Section 7, I have incorporated consideration of **Photoviewpoints A and B** into my assessment of effects upon the views and visual amenity of users of Sowbrook Lane. These viewpoints have been included for contextual purposes and to demonstrate localised views from locations within the ZTV, and which were not included within the Landscape Statement. This has not altered my assessment of effects from that within the Landscape Statement.

VISUAL CONTEXT

- 6.13 Given the enclosed nature of the local landscape and containment by landform to the south and trees and woodland on the lower lying land alongside the Erewash Valley and Nutbrook Corridor, that majority of views within the locality of the appeal site are short to middle distance.
- 6.14 I provide an overview of the visual context and composition of views below. More detailed consideration is given to the views obtained by each group of visual receptors in Section 7 when assessing the visual effects of the proposed development.

VIEWS FROM THE EAST, SOUTH AND WEST

- 6.15 Views of the site from the east, south and west are limited by intervening vegetation alongside Ilkeston Road, the western boundary and south of Sowbrook Lane.
- 6.16 There are glimpsed views between intervening trees towards the southeastern corner of the appeal site from the pavement on Sowbrook Lane, 190m to the west (**Photoviewpoint A**). This glimpse along the corridor of the pylons is within the a 50m offset to the substation and lies outside the developable area. The remainder of the site is screened by intervening woodland and trees.

- 6.17 As illustrated by **Photoviewpoints 1 -3**, views into the site from Ilkeston Road are screened by the tall hedgerow and trees alongside the road.
- 6.18 Views beyond the appeal site and the Nutbrook Canal can be obtained from the junction of Ilkeston Road and Sowbrook Lane (**Photoviewpoint 4**) and Sowbrook Lane to the south of the site (**Photoviewpoints 6a and 6b**), as well as from the permissive path to the south of the site where the higher ground allows views over the canal side vegetation. In these views across the site, the residential development at Hallam Fields forms a developed backdrop on the rising land beyond the Nut Brook corridor and Erewash Valley.
- 6.19 Looking to the east from Sowbrook Lane and the permissive paths within the site (**Photoviewpoint 15**), views towards the Stanton Works to the east are screened by intervening trees and woodland alongside Ilkeston Road.
- 6.20 With the development of the consented and under-construction warehousing / employment scheme at the Stanton Regeneration Site, the sheds will be visible on the skyline beyond Ilkeston Road to the east, above the treed backdrop.

Views from the North

Looking north across the Nutbrook Corridor

- 6.21 As illustrated by **Photoviewpoints 9 and 10b**, there are intermittent views from the canal towpath northwards across the fields within the floodplain of the Nut Brook Corridor towards the residential edge formed by properties at Hallam Fields adjacent to the Nutbrook Trail. Houses are set amongst trees and hedgerows that run alongside the trail. The well treed backdrop and woodland alongside the watercourses enclose the corridor and limit outward views beyond the residential edges.
- 6.22 There are also glimpsed views of housing at Kirk Hallam to the west, west beyond the recreation ground (**Photoviewpoint 10a**).

Views across the appeal site from alongside the Nutbrook Canal

- 6.23 As the canal towpath passes the site boundary, there are framed views across the eastern part of the site between trees and hedgerows along the watercourse (**Photoviewpoint 7**). The substation and development at the concrete works to the south of the site sit on the skyline beyond Sowbrook Lane.
- 6.24 From the permissive path leading to Rough's Hole west of Ilkeston Road, there are views across the site towards Sowbrook Lane (**Photoviewpoint 13**). Views beyond the site boundaries are limited by hedgerows, trees and woodland to the site boundaries and in the local area. The roofs of the

cottages on Sowbrook Lane, substation and development at the concrete works beyond sit in the treed skyline.

Views from the Nutbrook Trail

- 6.25 When travelling along the Nutbrook Trail (National Cycle Route 67) north of the Nut Brook, views to the south across the floodplain are predominantly screened and filtered by intervening hedgerows and trees alongside the path. As illustrated by **Photoviewpoint 11**, development on the edge of Hallam Fields fronts onto the trail, set beyond public open space incorporating play areas and attenuation features.
- 6.26 From the north, there are glimpsed views between hedgerow trees across the fields on the floodplain towards the appeal site. In these transient and glimpsed views, the northern edge of the site is glimpsed between the intervening trees and vegetation alongside the canal. This is illustrated by **Photoviewpoint 12**.

VISUAL RECEPTORS

- 6.27 The following groups of Visual Receptors (groups of people) who have views of the site may be affected by the proposed development have been identified. The Representative Viewpoints for each of these groups have been indicated on **Figure 6: Visual Context – Local** (volume 2 of my evidence).
- Users of Ilkeston Road (Viewpoints 1 – 3)
 - Users of Sowbrook Lane (Viewpoints 4 – 6 and A&B)
 - Users of the Nutbrook Canal Towpath (Viewpoints 7 – 10)
 - Users of the Nutbrook Trail (Viewpoints 11 and 12)
 - Users of the Permissive Paths within the Site (Viewpoints 13 – 15)
 - Anglers using Rough's Hole fishing pond
 - Residents of properties on Sowbrook Lane (Twelve Houses)
- 6.28 The visual effects arising from the proposed development are assessed for each group of visual receptors in Section 7 below.

7 LANDSCAPE AND VISUAL EFFECTS

- 7.1 The appeal site is situated within an urban fringe context, being influenced by the existing residential development that lies adjacent to the Nutbrook Canal and Nutbrook Trail at Kirk Hallam and Hallam Fields to the north, as well as the industrial and commercial development surrounding the site and associated road network.
- 7.2 With the completion of the under-construction warehouse distribution unit at New Stanton Park and the on-going longer term development of the wider Stanton Regeneration Site, the context of the site will be further urbanised, with large scale buildings of up to 24m height alongside Ilkeston Road.

LANDSCAPE EFFECTS

LANDSCAPE VALUE

- 7.3 My assessment has found that the appeal site is not of any particular value above that of an ordinary landscape on the edge of the settlement and which is influenced by urban features and land uses.
- 7.4 The site is not situated within a landscape that is subject to either a statutory or local non-statutory landscape designation, and I do not consider it to be a valued landscape under the provisions of paragraph 174(a) of the NPPF.
- 7.5 With the exception of the boundary hedgerows and three category A field trees, the site does not contain any distinctive features.
- 7.6 The site is experienced within the peri urban context when travelling along local roads and footpaths, with development surrounding the site and on the rising land of Hallam Fields to the north as a backdrop.
- 7.7 The proximity of Ilkeston Road, including the Stanton Bridge and traffic movements detract from the sense of tranquillity in this area.
- 7.8 Whilst users of the permissive paths that run alongside the site boundaries have views across the site, they are limited by adjacent development and vegetation, with there being no recognised viewpoints or views of distinctive landmarks or features. The former smelters of the ironworks that once dominated the skyline have been demolished.
- 7.9 The levels of traffic using Ilkeston Road, including HGVs associated with the industrial estates introduce substantial movement and noise within the area, along with industrial and commercial activities across the local area. The site is not situated within a tranquil, remote or rural area.

- 7.10 The listed cottages on Sowbrook Lane to the south are separated from the appeal site by mature hedgerow and tree planting at the junction with Ilkeston Road. With the development of the consented and under-construction employment site and improvements to the road junction at the frontage of the cottages, their setting will be further affected.
- 7.11 Features that are of localised value, including the hedgerows and habitats to the site boundaries associated with the former Staunton Arm of the canal are to be retained in the proposals, along with the associated waterbodies and canal.

LANDSCAPE SUSCEPTIBILITY

- 7.12 The appeal proposals offer opportunities for enhancements to the boundary vegetation, with substantial offsets incorporating multifunctional accessible greenspace with new hedgerow and tree planting, as well as areas managed for biodiversity, including attenuation ponds and areas of meadow grassland.
- 7.13 Housing of the scale proposed on the site is in keeping with the local context, including development located alongside edges of the Nut Brook floodplain and the canal. The development will be situated within a peri urban context on the urban edge, with housing, recreational open space and associated infrastructure being characteristic of the area.
- 7.14 With the completion of the consented and under-construction employment development east of Ilkeston Road and the development of a further 1,000 dwellings on the Stanton Regeneration Site south of Low's Lane, the site will be further assimilated into the urban context.
- 7.15 The site and local landscape are of a **low susceptibility** to the proposed development and associated mitigation and enhancement measures including the landscape and green infrastructure to the site boundaries and frontage with the Nutbrook Canal.

LANDSCAPE SENSITIVITY

- 7.16 As clarified in published guidelines, GLVIA² defined sensitivity as:

"A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor."

- 7.17 As assessed above, the site is situated within an ordinary landscape on the urban edge, influenced by urban land uses and development. The site has a low susceptibility to the change associated with the proposed development, which will retain and enhance features of localised value, including

² Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013) The Landscape Institute and IEMA – Glossary, page 158

waterbodies, trees and hedgerows. I therefore consider the site to have a **low landscape sensitivity** to the appeal proposals.

EFFECTS OF THE PROPOSALS

- 7.18 Given the contained nature and scale of the appeal site and proposals, impacts upon the landscape and townscape context are limited and localised, resulting in a **minor to moderate magnitude of change**.
- 7.19 Whilst the proposals will result in the loss of an undeveloped greenfield site and some lengths of hedgerow required to facilitate access, the remaining boundary hedgerows and adjacent features alongside the canal, including water bodies and vegetation are to be retained, preserving the structure of the field boundaries and containment within the localised context. The proposals allow sufficient space for the replanting of hedgerows to site boundaries beyond the access road and footways.
- 7.20 The nature and scale of the proposed development is in keeping with that in the local area and existing developed, peri urban context. The proposals will not introduce uncharacteristic or prominent development in a rural location.
- 7.21 Furthermore, the proposals provide substantial areas of green infrastructure and open space, including fronting the Nutbrook Canal where there are opportunities to provide additional landscape planting and create a soft transitional edge and attractive frontage to the canal that reflects the housing that adjoins the floodplain alongside the canal and Nutbrook Trail to the north and east.
- 7.22 The contextual fit of the appeal scheme within the urban edge context is illustrated on **Figure 8: Site Context – Consented Development, Allocated Land and Appeal Scheme** at volume 2 of my evidence. The drawing shows the illustrative masterplan overlaid on an aerial image, with the Stanton Works masterplan also overlaid. The plan illustrates how the green infrastructure corridor along the Nut Brook floodplain will be retained alongside the canal and Nutbrook Trail.
- 7.23 Development of the appeal site reflects the existing pattern and form of development that extends alongside the canal and watercourse, with both residential and employment development adjoining the canal and providing amenity, biodiversity, landscape and recreational benefits that tie-in with the wider landscape and Nut Brook corridor that penetrates the built edge.
- 7.24 Given the above, factors, I have assessed the appeal proposals as giving rise to **limited and localised adverse effects** upon the character and appearance of the area.
- 7.25 The proposals also provide some enhancements to the landscape structure and offer benefits associated with the biodiversity and recreational value of the area. I consider these factors further at Section 8 in relation to the Nutbrook Strategic Green Infrastructure Corridor.

VISUAL EFFECTS

- 7.26 As I have demonstrated through the preparation of a LiDAR ZTV and fieldwork, the appeal site and proposed development will be well contained within the landscape, with views limited to those obtained from adjacent roads, public footpaths along the canal towpath and permissive paths that run along the northern and north-western site boundaries.
- 7.27 Outward views from the Nutbrook Trail are filtered by trees and hedgerows, with there being glimpsed views across the floodplain from the trail towards the northern edge of the site beyond trees and hedgerows alongside the canal.
- 7.28 For users of the recreational leisure routes along the towpath and Nutbrook Trail, the appeal site is experienced as part of sequential views on the edge of Ilkeston where residential development on the edges of the floodplain forms a backdrop, set beyond areas of open space and recreation facilities including play areas and sports pitches.
- 7.29 When the consented and under-construction employment development on the Stanton Regeneration Works is completed, the site will be set against a backdrop of warehouse style buildings on the skyline, set beyond the trees along Ilkeston Road.

VISUAL RECEPTORS

- 7.30 As summarised above, the appeal site is well contained by existing vegetation and the development that surrounds it. This limits the extent of views to those experienced from within a highly localised area within and surrounding the site and in glimpsed views from the Nutbrook Trail and canal towpath within 500m of the site.
- 7.31 As illustrated by Viewpoints 16 and 17, in wider elevated views the site is set beyond intervening development, woodland and trees and in the context of the urban edge, including both industrial and residential development. The proposals would not be discernible in these more distant views, forming part of the wider developed backdrop on the urban edge.
- 7.32 ES Viewpoint 6 for the consented employment scheme within the Stanton Regeneration Site contained at **Appendix 6** (Volume 2 of my evidence) shows the scale of development and change associated with the scheme and how it may change the overall visual context in wider views.
- 7.33 I have identified the following groups of people who may experience views of the site and whose views and visual amenity may be affected by the proposals. I consider the effects for each, with reference to the representative viewpoints as illustrated on **Figure 6** at volume 2 of my evidence.

Users of Ilkeston Road

- 7.34 Given the mature hedgerows and trees alongside Ilkeston Road, there are limited views into the site, even during the winter months (Viewpoints 1 and 2).

- 7.35 There are glimpsed views into the site from Stanton Bridge as it passes over the Nutbrook Canal to the northeast of the site (Viewpoint 2). There are also view across the southern part of the site beyond the clipped boundary hedgerow from the junction of Ilkeston Road and Low's Lane (Viewpoint 4).
- 7.36 As illustrated by the photomontages of the consented employment proposals contained at **Appendix 6** (volume 2 of my evidence) (ES Viewpoints 1 and 9), the context within which the site is experienced from Ilkeston Road will become more developed with large scale buildings forming a backdrop. In addition, the junction improvements at Ilkeston Road / Low's Lane will further urbanise the visual context with associated infrastructure and signage.
- 7.37 Users of Ilkeston Road are of a **low sensitivity** to the proposals. This reflects the limited views across the site from the road and pavements, the focus of road users upon the road and the presence of traffic and adjacent development detracting from the views.
- 7.38 The proposals allow for the planting of additional trees and hedgerows within substantial buffers to the site boundaries. This will effectively soften the development as experienced from the roadside. The main access off Ilkeston Road will not appear out of context in the urban fringe location, seen in context with the existing road junctions and infrastructure.
- 7.39 Given the above, there would be a **minor magnitude of change** and resulting **minor adverse effect** on the views and visual amenity for users of Ilkeston Road arising from the proposed development.

Users of Sowbrook Lane

- 7.40 As illustrated by Viewpoints 5 and 6, the boundary along Sowbrook Lane is more open, with the hedgerow maintained at a lower level to the western end of the southern site boundary. As a consequence, there are views across the site towards the residential backdrop formed by properties to the north of Nut Brook at Hallam Fields.
- 7.41 Upon the approach to the site from the west, there is a glimpse between the intervening woodland and vegetation towards the southeastern corner of the site from the pavement (**Photoviewpoint A**). Views towards the site from the west are limited to this transient, glimpsed view when walking along the pavement. Views from the road are screened by the roadside hedgerows.
- 7.42 **Photoviewpoint B** illustrates the view along Sowbrook Lane that approximately 85m to the west of the site, with views channelled along the road corridor framed by palisade fencing to the electricity substation south of the site and the hedgerow to the site boundary.
- 7.43 In views from Sowbrook Lane, the site is experienced in context with the substation and concrete works to the south of the site, as well as the cottages at the junction with Ilkeston Road, placing the site within the urban edge context.

- 7.44 As with views from Ilkeston Road, the construction of the consented and under-construction employment development at the Stanton Regeneration Site will introduce a developed backdrop in views across the site when approaching from the west.
- 7.45 Users of Sowbrook Lane have a **low to medium sensitivity** to the proposed development, reflecting the more open views from the road across the site towards the residential backdrop at Hallam fields beyond.
- 7.46 Whilst the proposed development will replace the existing views across the site with houses, they will be set beyond and fronting a substantial landscape buffer and area of green infrastructure, including new tree and hedgerow planting that will reinforce the hedgerows to the roadside and provide a soft edge and transition. Views will be highly localised from along the road when approaching from the west and experienced in context with the existing development to the south including the substation, palisade fencing and cottage and within the peri urban context on the edge of Ilkeston.
- 7.47 The access of Sowbrook Lane and associated footways and widened carriageway will not appear incongruous in this location, with there being accesses to the immediate west associated with the former quarry access (Footpath 15) and the junction with Ilkeston Road.
- 7.48 In glimpsed views from Sowbrook Lane to the west (Photoviewpoint A) and when adjacent to the woodland to the site boundaries (Photoviewpoint B), the built elements of the proposals will not be visible, due to the setting back of the development from Sowbrook lane beyond a 50m buffer to the substation. The houses will be set back beyond the intervening woodland and trees, with landscape planting along the site boundaries and within areas of accessible green infrastructure enhancing the vegetated backdrop and filtering views into and beyond the site.
- 7.49 The localised changes to views when travelling along Sowbrook Lane will give rise to a **minor to moderate magnitude of change** and corresponding **minor to moderate adverse effect** on the views and amenity of users of Sowbrook Lane. These effects will be limited in extent and duration and experienced within the urban edge context for road users.

Users of the Nutbrook Canal Towpath and Nutbrook Trail

- 7.50 As illustrated by Viewpoint 8, there are localised views into the appeal site from the canal towpath to the immediate north of the site where the canal passes alongside the site boundary adjacent to Ilkeston Road and the Stanton Regeneration Site beyond. These views are limited to a short stretch of the canal, where there are framed views between mature trees, hedgerows and woodland that extend alongside the canal. Beyond the northern edge of the site, woodland at Rough's Hole fishing pond screens views into the site.
- 7.51 As illustrated by **Viewpoint 12**, the appeal site is not prominent in views from along the Canal towpath or the Nutbrook Trail. Where the site is perceived, it is only in glimpsed between

intervening vegetation and viewed in the context of existing development and as part of a sequential viewing experience alongside existing developments within the urban context.

- 7.52 As the summer photography from Photoviewpoint 12 illustrates, when the trees are in leaf, outward views from the Nutbrook Trail are further reduced, with views across the valley towards the site being restricted by the intervening vegetation.
- 7.53 Once the under-construction warehouse development at New Stanton Park and the wider Stanton Regeneration Site is developed, the backdrop and visual context for anglers and users of the local footpaths and recreational routes will be changed to include large scale buildings on the skyline. The proposals will be subservient to the large buildings and of a domestic scale and character.
- 7.54 Users of the canal towpath and Nutbrook Trail have a **low to medium sensitivity** to the proposed development. This reflects the limited views into the site as part of wider recreational routes set within the urban edge and developed context.
- 7.55 Where the towpath passes the site, the proposals retain a buffer to incorporate SuDS features, with opportunities to include an area of greenspace that incorporates a range of informal and formal recreational features including a LEAP, community garden and footpath / circular walk. These include landscape and biodiversity enhancements including attenuation ponds managed for wildlife, areas of meadow grassland and tree and shrub planting.
- 7.56 The location of recreational facilities alongside the canal and the setting back of the residential frontage beyond is characteristic of the area and residential development at Kirk Hallam and Hallam Fields that adjoin the Nut Brook floodplain. The proposals would therefore not appear out of character or incongruous.
- 7.57 Given the limited extent of views and characteristic transitional edge to the north of the site, fronting the canal the proposals will give rise to a **minor magnitude of change** to views when travelling along the paths, and resulting **minor adverse visual effects** for users of the Canal towpath and Nutbrook Trail.

Users of the Permissive Paths within and adjacent to the Site

- 7.58 As illustrated by Viewpoints 13 – 15, there are open views across the appeal site from the permissive paths that connect with Rough's Hole fishing pond to the northwest of the site. Hedgerows and trees bounding the site and woodland and tree belts contain the site limiting outward views beyond the immediate site context.
- 7.59 Development beyond the site is present in the views, including the substation and cottages along Sowbrook Lane and cranes and infrastructure at the SATEBA precast concrete works. When the consented and under-construction employment development at the Stanton Regeneration Site is completed, the warehousing will be visible beyond Ilkeston Road as a backdrop and skyline feature looking to the east.

- 7.60 Users of the permissive paths within and adjacent to the site will have a **medium to high sensitivity** to the proposed development. This reflects the proximity of the development and use of the paths as part of recreational routes that link the town with the wider countryside and Stanton by Dale to the south, whilst also acknowledging the urban edge context and transitional nature of the views across the site as part of longer walks.
- 7.61 The paths will be set within areas of green infrastructure surrounding the site. As illustrated on the Illustrative Masterplan at **Appendix 3** (volume 2 of my evidence), these may provide circular walks, trim trails, play areas and opportunities for informal recreation set within an attractive landscape managed with wildflower and meadow grassland and trees and shrubs. For users of the paths, there will be a **moderate magnitude of change**, reflecting the views across the site as forming part of wider routes and with the visual change being limited in extent and duration.
- 7.62 On balance, I consider the proposals to give rise to **minor to moderate adverse effects** on the visual amenity of user so the permissive paths. Whilst there will be a change to the views from the undeveloped field to the housing development, the paths will be set within areas of green infrastructure and multifunctional greenspace that reflects the character of the local area and similar paths within areas of open space on the edge of the canal and Nutbrook trail.

Anglers fishing at Rough's Hole and along the Nutbrook Canal

- 7.63 Anglers fishing at Rough's Hole are looking inwards across the water, with outward views screened and heavily filtered by the trees and hedgerows that surround the pond. The experience of the surrounding landscape and townscape forms only part of their activities, although the urban edge location and associated development, noise and movement of traffic and industrial activities does presently affect the amenity of these groups of people. For anglers on the canal to the north of the site, there are views of the northern site area, but these are limited to glimpsed and framed views by boundary vegetation. The site does not facilitate any wider views from this location.
- 7.64 Given the above, the anglers are of a **medium sensitivity** to the proposed development. This reflects the proximity to the site and duration of views when fishing in a static position or remaining in a localised area.
- 7.65 The proposals set back the built edge from the canal and Rough's Hole beyond substantial areas of green infrastructure which will incorporate improved accessibility to the pond as well as additional tree and shrub planting. The houses will front onto open spaces, providing natural surveillance and a positive interface with the open space and adjacent land uses. There will be a **moderate magnitude of change** for the anglers. This will predominantly be when walking alongside the canal to reach the pond and fishing platforms.
- 7.66 The introduction of residential development into the local context is not uncharacteristic of the visual experience. The proposals will give rise to **minor to moderate adverse** effects on the views and visual amenity of anglers using Rough's Hole pond and the towpath north of the site for fishing.

Residents of Sowbrook Lane Cottages / Twelve Houses

- 7.67 Residents are of a **high sensitivity** to visual change as experienced from their homes and when coming and going from their properties on a daily basis.

- 7.68 As illustrated by Viewpoint 4, the southern site boundary adjacent to Sowbrook Cottages comprises a dense mature hedgerow and trees. This provides a visual screen from the ground floors of the properties which front onto the road. There are no views towards the site from the rear gardens. The cottages are located next to the junction with Ilkeston Road. The visual amenity of residents is currently influenced by the existing traffic.

- 7.69 The proposed development is set back from the boundary with Sowbrook Lane beyond the retained hedgerows and trees and a green corridor and landscape buffer that offers opportunities for new tree planting to further filter and soften views across the site. The development will give rise to a **minor to moderate magnitude of change** to the views and visual amenity of the residents and **minor to moderate adverse effects**.

8 NUTBROOK STRATEGIC GREEN CORRIDOR

- 8.1 Whilst the appeal site currently makes a limited contribution to the GI framework, comprising an agricultural field containing few features of note except for the boundary hedgerows and permissive paths that connect with the angling pond at Rough's Hole adjacent to the site, the proposals offer opportunities to provide substantial enhancements to the function of the landscape and GI elements within the locality.
- 8.2 This includes the objectives of Strategic Policy 5 in the emerging Core Strategy for the proposed Strategic Green Infrastructure Corridors. Notwithstanding that the appeal site does not currently provide or meet the objectives of the proposed Strategic Green Infrastructure Corridors, there already exists an established corridor that runs alongside the Nutbrook Canal and Nutbrook Trail.
- 8.3 This corridor includes the recreation and leisure routes of the canal towpath and Nutbrook trail, alongside which the residential edge at Hallam Fields and Kirk Hallam and associated recreation grounds, play areas and informal public open space front the rights of way that run either side of the floodplain, creating a green corridor that penetrates the settlement to the northwest and extends into the Stanton Regeneration Site to the southeast. These elements provide an urban edge and settled context and links with a range of facilities and recreation routes alongside the fields of the floodplain.
- 8.4 The above is illustrated on the photosheets (**Figure 7** at volume 2 of my evidence) and described above in relation to the site context and visual amenity.
- 8.5 Private's Pond at the Stanton Works east of Ilkeston Road and Rough's Hole to the immediate northwest of the appeal site and associated permissive paths that link with the canal and local rights of way provide a further recreational resource.
- 8.6 There are proposals for the upgrading of some of these permissive paths to link with the towpath and Nutbrook trail as part of proposed Local Cycle Network. This includes the permissive path that runs alongside the north-western site boundary, linking Sowbrook Lane and the canal towpath, as well as wider links across the floodplain to the north.
- 8.7 The proposed links with the cycle network are illustrated by the orange routes shown on the extract below on **Figure 7.1**, taken from the online Derbyshire Mapping Portal³:

³ www.maps.derbyshire.gov.uk

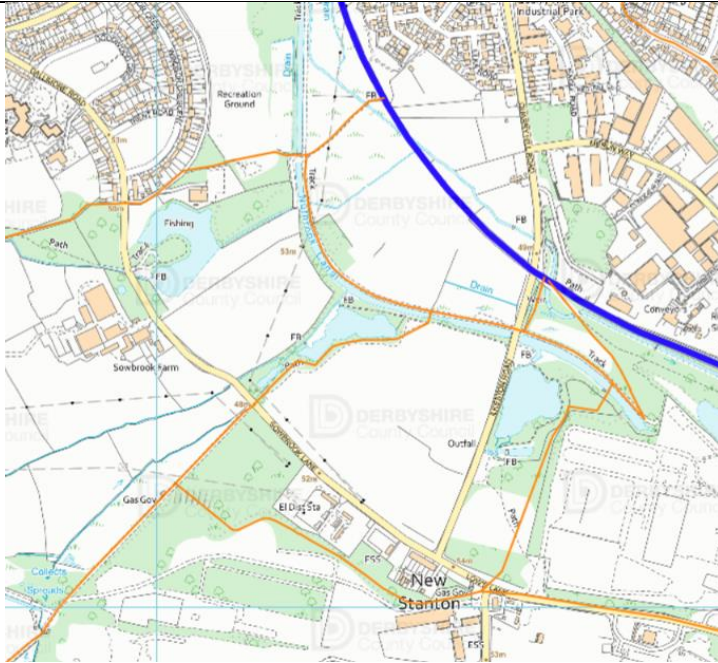


Figure 8-1: Extract from the Derbyshire Mapping Portal - Local Cycle Networks

- 8.8 The appeal proposals retain existing landscape features within and adjacent to the site, including the pond at Rough's Hole and defunct pond that both lie along the former Stanhope Arm of the canal and associated vegetation to the west of the site.
- 8.9 The proposals meet the objectives for the Nutbrook Strategic Green Infrastructure Corridor through the following: :
- **Natural flood management** - Provision of SuDS set within areas of green infrastructure and open space, including attenuation basins managed for wildlife and biodiversity;
 - **Biodiversity improvement** – Through managing of existing habitats and creation of new areas for wildlife and biodiversity improvements;
 - **New recreational facilities** – Including formal and informal recreation provided by play areas, trim trail and areas of accessible greenspace around the perimeter of the site and running through the development; and
 - **Extended recreational route ways** – Upgrading the existing permissive paths to enhance connectivity in perpetuity and connect with the existing foot and cycle network including the recreational routes along the canal towpath and Nutbrook Trail to the north and wider rights of way within the countryside to the south.
- 8.10 The proposals on the appeal site plug into the existing green infrastructure corridor alongside the canal, offering a range of landscape and biodiversity enhancements that link with existing features, including attenuation features and recreation leisure routes , as well as offering new recreational and amenity facilities comprising both formal play and informal areas of accessible greenspace.

- 8.11 There are also opportunities to provide for community gardens and other outdoor activities including the circular recreation route and associated trim trial.
- 8.12 The appeal scheme offers opportunities to facilitate the upgrading of the permissive paths to cycle routes as part of the proposed Local Cycle Network, set within areas of green infrastructure and recreation routes set within areas of open space provided within the site.
- 8.13 The above enhancements to the existing Green Infrastructure Corridor alongside the Nutbrook Canal associated with the appeal proposals and compatibility with the landscape and recreational framework are illustrated on **Figure 8: Site Context – Consented Development, Allocated Land Use and Appeal Scheme** (volume 2 of my evidence).
- 8.14 The drawing shows the Illustrative Masterplan for the appeal scheme alongside the consented employment development to the east of Ilkeston Road, with the area of Strategic Green Infrastructure to the north of the development between the Nutbrook Canal and the Nutbrook Trail. An extract of Figure 8 is included below:



Figure 8-2: Extract of Figure 8

9 SUMMARY AND CONCLUSIONS

REASONS FOR REFUSAL

- 9.1 Reason for Refusal 5 alleges that the appeal proposals would lead to the loss of the open landscape that is characteristic of the areas and cause significant harm to the visual amenities of the area. The reason for refusal was informed by an assessment contained in the Officer Report, which also considered the proposals to have an urbanising influence in a rural landscape.
- 9.2 The proposals were therefore deemed by the Council to fail to accord with Saved Policy H12- Quality & Design, and Core Strategy Policy 10: Design and Enhancing Local Identity.
- 9.3 My evidence has considered how the appeal proposals have been developed to be sensitive to the local context, incorporating existing landscape features and offering opportunities for the provision of substantial areas of multifunctional green and blue infrastructure that retain and enhance existing landscape features, as well as providing benefits for biodiversity and recreation.

EFFECTS ON THE CHARACTER AND APPEARANCE OF THE AREA

LANDSCAPE CONTEXT

- 9.4 The appeal site is situated within an urban fringe context, being influenced by the existing residential development that lies adjacent to the Nutbrook Canal and Nutbrook Trail at Kirk Hallam and Hallam Fields to the north, as well as the industrial and commercial development surrounding the site and associated road network.
- 9.5 Once the consented and under-construction employment development on the Stanton Regeneration Site is completed, the context of the site will be further urbanised, with large scale buildings of up to 24m height alongside Ilkeston Road.
- 9.6 The Derbyshire Landscape Character Assessment that supports local policy describes the Coalfields Village Farmlands Landscape Type within which the appeal site is situated as a small-scale, organic landscape with small woodlands, copses, linear tree-belts and hedgerow trees.
- 9.7 The landscape character assessment also identifies the influence of the built environment across the areas which is described as a settled landscape characterised by towns, many villages and a moderate dispersal of farmsteads.
- 9.8 Given the location of the appeal site on the urban fringe of Ilkeston, surrounded by associated extensive industrial, employment and commercial development, many of the key characteristics identified for the Coalfield Village Farmlands are not present, having been lost to the urban and industrial development of the landscape.

- 9.9 Trees and woodland along the course of the Nutbrook Canal and Nut Brook are characteristic of the wider area, providing enclosure within the local landscape, combining with hedgerows and trees to field boundaries that run along the roads on the urban edge.
- 9.10 The appeal site is situated within a well contained landscape that is heavily influenced by development on the edges of Ilkeston that includes employment, industrial and residential development.
- 9.11 This is contrary to the assertion made by Reason for Refusal 5 that the open landscape is characteristic of the area. It is also contrary to the assessment of visual impact in the Officer Report that considers the appeal site to be set within a rural landscape.

LANDSCAPE EFFECTS

- 9.12 The site has a low sensitivity to the appeal proposals. The site is not situated within a landscape that is subject to either a statutory or local non-statutory landscape designation, and I do not consider it to be a valued landscape under the provisions of paragraph 174(a) of the NPPF.
- 9.13 My assessment has found that the appeal site is not of any particular value above that of an ordinary landscape on the edge of the settlement and which is influenced by urban features and land uses.
- 9.14 With the exception of the boundary hedgerows and three category A field trees, the site does not contain any distinctive features.
- 9.15 Given the contained nature and scale of the appeal site and proposals, impacts upon the landscape and townscape context are limited and localised, resulting in a minor to moderate magnitude of change.
- 9.16 Whilst the proposals will result in the loss of an undeveloped greenfield site and the removal of some lengths of hedgerow required to facilitate access, the remaining boundary hedgerows and adjacent features alongside the canal, including water bodies and vegetation are to be retained, preserving the structure of the field boundaries and containment within the localised context.
- 9.17 The proposals allow sufficient space for the replanting of hedgerows and trees to site boundaries beyond the access road and footways and set within area of substantial accessible greenspace. This will provide enhancements to the site boundaries, providing a soft transition and additional native tree and hedgerow planting.
- 9.18 The nature and scale of the proposed development is in keeping with that in the local area and existing developed, peri urban context. The proposals will not introduce uncharacteristic or prominent development in a rural location.
- 9.19 Development of the appeal site reflects the existing pattern and form of development that extends alongside the canal and watercourse, with both residential and employment development adjoining

the canal and providing amenity, biodiversity, landscape and recreational benefits that tie-in with the wider landscape and Nut Brook corridor that penetrates the built edge.

- 9.20 Given the above, factors, I have assessed the appeal proposals as giving rise to **limited and localised adverse effects** upon the character and appearance of the area.

EFFECTS ON VISUAL AMENITY

- 9.21 The appeal site and proposed development will be well contained within the landscape, with views limited to those obtained from adjacent roads, public footpaths along the canal towpath and permissive paths that run along the northern and north-western site boundaries.
- 9.22 Outward views from the Nutbrook Trail are filtered by trees and hedgerows, with there being glimpsed views across the floodplain from the trail towards the northern edge of the site beyond trees and hedgerows alongside the canal.
- 9.23 For users of the recreational leisure routes along the towpath and Nutbrook Trail, the appeal site is experienced as part of sequential views on the edge of Ilkeston where residential development on the edges of the floodplain forms a backdrop, set beyond areas of open space and recreation facilities including play areas and sports pitches.
- 9.24 When the consented and under-construction employment development on the Stanton Regeneration Works is completed, the site will be set against a backdrop of warehouse style buildings on the skyline, set beyond the trees along Ilkeston Road.
- 9.25 I have identified the following groups of people who may experience views of the site and whose views and visual amenity may be affected by the proposals and undertaken an assessment of the likely effects. I summarise these below:

USERS OF ILKESTON ROAD

- 9.26 Given the mature hedgerows and trees alongside Ilkeston Road, there are limited views into the site.
- 9.27 The proposals allow for the planting of additional trees and hedgerows within substantial buffers to the site boundaries. This will effectively soften the development as experienced from the roadside. The main access off Ilkeston Road will not appear out of context in the urban fringe location, seen in context with the existing road junctions and infrastructure.
- 9.28 Given the above, there would be a minor magnitude of change and resulting **minor adverse effect** on the views and visual amenity for users of Ilkeston Road arising from the proposed development.

USERS OF SOWBROOK LANE

- 9.29 Whilst the proposed development will replace the existing views across the site with houses, they will be set beyond and fronting a substantial landscape buffer and area of green infrastructure, including new tree and hedgerow planting that will reinforce the hedgerows to the roadside and provide a soft edge and transition.
- 9.30 The localised changes to views when travelling along Sowbrook Lane will give rise to a minor to moderate magnitude of change and corresponding **minor to moderate adverse effect** on the views and amenity of users of Sowbrook Lane.

USERS OF THE NUTBROOK CANAL TOWPATH AND NUTBROOK TRAIL

- 9.31 Users of the canal towpath and Nutbrook Trail have a low to medium sensitivity to the proposed development. This reflects the limited views into the site as part of wider recreational routes set within the urban edge and developed context.
- 9.32 The location of recreational facilities alongside the canal and the setting back of the residential frontage beyond is characteristic of the area and residential development at Kirk Hallam and Hallam Fields that adjoin the Nut Brook floodplain. The proposals would therefore not appear out of character or incongruous.
- 9.33 Given the limited extent of views and characteristic transitional edge to the north of the site, fronting the canal the proposals will give rise to a minor magnitude of change to views when travelling along the paths, and resulting **minor adverse visual effects** for users of the Canal towpath and Nutbrook Trail.

USERS OF THE PERMISSIVE PATHS WITHIN AND ADJACENT TO THE SITE

- 9.34 The proposals will give rise to **minor to moderate adverse effects** on the visual amenity of user so the permissive paths. Whilst there will be a change to the views from the undeveloped field to the housing development, the paths will be set within areas of multifunctional accessible greenspace that reflects the character of the local area and similar paths within areas of open space on the edge of the canal and Nutbrook trail.

ANGLERS FISHING AT ROUGH'S HOLE AND ALONG THE NUTBROOK CANAL

- 9.35 The introduction of residential development into the local context is not uncharacteristic of the visual experience. The proposals will give rise to **minor to moderate adverse effects** on the views and visual amenity of anglers using Rough's Hole pond and the towpath north of the site for fishing.

RESIDENTS OF PROPERTIES ON SOWBROOK LANE

- 9.36 The proposed development is set back from the boundary with Sowbrook Lane beyond the retained hedgerows and trees and a green corridor and landscape buffer that offers opportunities for new tree planting to further filter and soften views across the site. The development will give rise to a minor to moderate magnitude of change to the views and visual amenity of the residents and **minor to moderate adverse effects**.
- 9.37 In summary, none of the groups of visual receptors identified have been assessed as being likely to experience greater than minor to moderate adverse effects on their views or visual amenity, and will be limited to those views experienced within a localised area within the urban fringe where residential development is present within the landscape.

COMPLIANCE WITH POLICY

- 9.38 Reason for Refusal 5 cites the appeal proposals as failing to accord with Core Strategy Policy H 10: 'Design and Enhancing Local Identity' and Saved Policy H12: 'Quality and Design'.
- 9.39 Part 3 of Policy H10 states that outside settlements, new development should conserve or, where appropriate enhance landscape character. The policy goes on to state that proposals will be assessed with regard to the Derbyshire Landscape Character Assessment.
- 9.40 Saved Policy 12 reflects the requirements of Policy H10, requiring proposals to have regard to distinctive landscape features and to provide supplementary landscaping where appropriate, particularly where situated on the established urban fringe.
- 9.41 The Derbyshire Landscape Character Assessment provides details of the specific features, characteristics and qualities of distinctive areas and which informs decision makers when considering development proposals.
- 9.42 As I have demonstrated within my assessment, the appeal site is situated within an area that is heavily influenced by the urban context including both residential and industrial development. Whilst the area shares some of the features of the Coalfield Village Farmlands Landscape Type identified by the published landscape character assessment, these are predominantly trees along watercourses and hedgerows and trees to field boundaries.
- 9.43 The site is separated from the floodplain and distinctive field pattern and character of the Nutbrook Corridor that lies between the canal and Nutbrook Trail and extending into the urban area Ilkeston by the trees and vegetation alongside the canal.
- 9.44 The Derbyshire Landscape Character Assessment also recognises that the area is heavily influenced by urban development, including both industrial and residential areas. The appeal site is situated within the urban fringe and a landscape that is dominated by development. The context is not a rural one, and those key characteristics and features that are identified for the landscape type are limited

to those alongside the canal and Nut Brook, where there are distinctive lines of trees along the watercourses, set within the urban edge context alongside residential and commercial development.

- 9.45 The guidelines for management of the landscape within the Coalfields Village Farmlands include for the preservation and enhancement of woodland, trees and hedgerows to field boundaries and trees to watercourses.
- 9.46 The proposed development will not introduce uncharacteristic elements into the local landscape and includes measures for the retention of boundary features, along with providing substantial areas of green infrastructure to site boundaries, including at the frontage with the Nutbrook Canal, where there will be provisions for biodiversity and recreation benefits. This reflects the character of the urban edge alongside the canal in this location. The proposals retain and enhance existing hedgerows and trees that define the site and provide a structure within the local area.
- 9.47 Whilst the proposals will result in the change of the site from a single field to a residential development, any adverse effects will be limited and localised.
- 9.48 The development proposals are set within a framework of green infrastructure to the site boundaries that allow for the retention and enhancement of the distinctive characteristics in the area.
- 9.49 Given the above, I consider the appeal proposals to accord with the requirements of Core Strategy Policy H10 and Saved Policy H12.
- 9.50 Residential development of the scale proposed, set back from the canal frontage beyond areas of green infrastructure managed for wildlife and recreational benefits and contained by development along Ilkeston Road and Sowbrook Lane is in keeping with the settlement pattern and character of the area.
- 9.51 The proposals conserve and enhance distinctive landscape features including trees and hedgerows that provide containment and structure alongside the Nutbrook Canal.

NUTBROOK STRATEGIC GREEN INFRASTRUCTURE CORRIDOR

- 9.52 Reason for Refusal 10 cites that the proposals would be contrary to Policy 5 of the emerging Core Strategy. As I have set out within my evidence, the proposals meet the objectives for the Nutbrook Strategic Green Infrastructure Corridor through the following: :
 - Natural flood management - Provision of SuDS set within areas of green infrastructure and open space, including attenuation basins managed for wildlife and biodiversity;
 - Biodiversity improvement – Through managing of existing habitats and creation of new areas for wildlife and biodiversity improvements;

- New recreational facilities – Including formal and informal recreation provided by play areas, trim trail and areas of accessible greenspace around the perimeter of the site and running through the development; and
- Extended recreational route ways – Upgrading the existing permissive paths to enhance connectivity in perpetuity and connect with the existing foot and cycle network including the recreational routes along the canal towpath and Nutbrook Trail to the north and wider rights of way within the countryside to the south.

9.53 The proposals on the appeal site plug into the existing green infrastructure corridor alongside the canal, offering a range of landscape and biodiversity enhancements that link with existing features, including attenuation features and recreation leisure routes, as well as offering new recreational and amenity facilities comprising both formal play and informal areas of accessible greenspace.

